

267

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5666-2017

Date of decision : 06.02.2018

Malook Singh (deceased through LRs)

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.S. Khillan, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order 12.05.2017 (Annexure P-5), dismissing the execution application seeking execution of the Award in case of "Malook Singh V/s State of Haryana", vide which, the statutory benefits under Sections 23(1-a), 23(2) and 28 of the Land Acquisition Act, have not been granted.

Learned counsel for the petitioner submits that the statutory benefits cannot be denied to a person even for the fruit bearing trees. The Court below had dismissed the application on the ground that the award did not envisage the granting of statutory benefits, though the petitioner has already availed the remedy of appeal seeking enhancement of compensation.

Mr. Manoj Kumar Sangwan, DAG, Haryana submits that in the absence of statutory benefits, the Executing Court rightly dismissed the execution application, thus, urges this Court for dismissal of the present

revision petition as there is no illegality and perversity in the order, under challenge.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the order, under challenge, is perfectly legal and justified, for, in the order dated 17.09.2014, the Reference Court has not awarded any statutory benefits with regard to the fruit bearing trees except ₹3,20,000/-. The operative part of the order dated 17.09.2014 reads as under:-

"In the case of "Malook Singh versus State", the petitioner will be entitled to the compensation of ₹ 3,20,000/- towards trees etc., also. Counsel fee assessed at ₹ 750/- in each case. Memo of costs be prepared accordingly. Petitions be consigned to the record room after due compliance."

In my view, the petitioner has an appropriate remedy to file an application under Sections 152 and 153 of the Code of Civil Procedure, but not in the manner and mode as indicated above.

With the aforementioned observations, the present revision petition stands disposed of, by upholding the impugned order, under challenge.

06.02.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**