

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 01, 2018

1. Civil Revision No.780 of 2014 (O&M)

Union of India, Defence Department, New Delhi

...Petitioner

Versus

Lakhmir Singh (since deceased) through L.Rs & others

...Respondents

2. Civil Revision No.781 of 2014 (O&M)

Union of India, Defence Department, New Delhi

...Petitioner

Versus

Kuldip Singh & others

...Respondents

3. Civil Revision No.782 of 2014 (O&M)

Union of India, Defence Department, New Delhi

...Petitioner

Versus

Kuldip Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Anil Chawla, Advocate,
for the petitioner in all the three petitions.

Mr.Gagandeep Singh, Advocate,
for L.Rs.of respondent No.1 in CR No.780 of 2014 &
for respondent Nos.1 & 2 in CR Nos.781 & 782 of 2014

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of three Civil Revision
Petitions bearing No.780, 781 and 782 of 2014 as the common questions of
law and fact are involved. The facts are being taken from Civil Revision
No.780 of 2014.

Petitioner-Union of India is aggrieved of the impugned order dated 19.3.2013 rendered by the trial Court in pursuance to the directions given by this Court vide order dated 27.11.2008 in Civil Revision No.929 of 2011.

A big chunk of land was acquired including the land of the decree-holders and Kuldip Singh, Surjit Singh and Udham Singh. Udham Singh was succeeded by Lakhmir Singh and the award by the Land Acquisition Collector was passed on 23.2.1978. Reference Court gave the award on 24.12.1981. Regular First Appeals filed by the landowners were dismissed vide order dated 16.5.1983. Letters Patent Appeals and Special Leave Petitions filed were dismissed on 6.3.1984 and 19.4.1991 respectively.

An application under Sections 151 & 152 of the Civil Procedure Code on behalf of the landowners was moved for granting the benefits. The same was allowed by the Executing Court vide order dated 22.11.1986 and the amendment in the Land Acquisition Act has been upheld by the Hon'ble Supreme Court in **K.S.Paripoornan Versus State of Kerala, 1994 (6) JT 182**. Civil Revision filed by the Union of India was also dismissed. However, in case of the private respondents, i.e., the landowners, the Reference Court pronounced the award on 11.9.1986 and the execution application was dismissed by the Executing Court on 15.9.1990. The revision was directed before this Court, *ibid*, which was remanded and it is in this backdrop of the matter, the trial Court passed the order on 19.3.2013 in the application moved under Sections 151 and 152 CPC granting the same benefit as was granted to the other landowners.

Mr.Anil Chawla, learned counsel representing the petitioner-

Union of India submits that the case of the respondents would not be at par with the landowners to whom the benefits have been granted. In fact, the landowners were not entitled to 50% solatium and other benefits as the land was acquired much before the amendment, which was caused in the year 1984 and the application was submitted by the decree-holder for correction of the decree, thus, the matter is required to be revisited.

Per contra, Mr.Gagandeep Singh, learned counsel for the respondents submits that the amendment in the Act has been upheld by the Hon'ble Supreme Court in **K.S.Paripoornan's case (supra)** and the benefits have been granted to the similarly situated landowners and the same have been upheld by this Court in an application moved by few of the landowners in the earlier round of the litigation. The order of the trial Court is in tune with the findings and the Union of India is adopting all possible tactics for not granting the benefits and, thus, urges this Court for dismissal of the revision petitions.

I have heard the learned counsel for the parties and appraised the paper book.

The shorn of the facts, which are not in dispute. The only question, which is to be decided by this Court, is whether the impugned order dated 19.3.2013 was in tune with the order dated 22.11.1986 passed by the Executing Court in an application under Sections 151 and 152 CPC. The benefits granted to the landowners can be extended to the private respondents as the additional benefits as incorporated in the Land Acquisition Act had been awarded to the landowners, whose land was acquired.

It is strange that the instrumentalities of the State drag the

litigation to an extent resulting into deprivation of the benefits to the landowners, which they would have got, had the litigation brought to an end. The authorities at the helm of affairs should be sensitive to the aforementioned matter. Attempt should be made not to challenge every order of the Court.

For the reasons stated above, I do not find any illegality and perversity in the impugned order and upheld the same. Resultantly, the revision petitions stand dismissed.

February 01, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No