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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.1203 of 2012 (O&M)
Date of Decision: 06.05.2019**

MALKIT SINGH AND OTHERS

.....Petitioners

Vs

CHANDIGARH ADMINISTRATOR

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. J.S. Chandail, Addl. Govt. Pleader
for UT, Chandigarh.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed the order dated 27.08.2011 passed by the Addl. District Judge, Chandigarh vide which the application for release of the amount of compensation made in Execution No.251 of 20.11.2003 was dismissed being infructuous.

[2]. Perusal of the record would show that while passing order dated 29.01.2003, the Addl. District Judge, Chandigarh after taking note of pleadings in para No.26 accepted the References. Reference No.41 dated 18.01.2001 titled '*Surjit*

Singh vs. Gram Panchayat and another' was in respect of entitlement of the petitioners to the extent of 3/4th compensation on the basis of *tenant gair marusi*.

[3]. Learned counsel for the petitioners submitted that in fact Execution No.251 of 29.11.2003 was filed in respect of entitlement of the petitioners arising out of LAC No.41 dated 18.01.2001 and the same has been dismissed vide the impugned order dated 27.08.2011 primarily on the ground that the petitioners cannot claim compensation in the capacity of co-sharers as well as tenants.

[4]. Learned counsel further submitted that in fact total *shamlat* area was 346 *Kanals* 19 *Marlas*. The petitioners may be co-sharers in the remaining area, but their entitlement based on tenancy was acknowledged by the Court thereby entitling them to the compensation of 3/4th.

[5]. I have considered the submissions made by learned counsel for the parties.

[6]. The impugned order appears to be non-speaking on the aforesaid premise. The trial Court ought to have segregated the entitlement of the petitioners on the basis of co-sharership in the remaining land other than the land covered under LAC No.41 dated 18.01.2001.

[7]. At this stage, without meaning anything on the merits of

the case, it would be just and appropriate to direct the Addl. District Judge, Chandigarh to revisit the issue on the basis of material on record and pass a fresh order in Execution No.251 dated 20.11.2003 in accordance with law. Consequently, the impugned dated 27.08.2011 passed by the Addl. District Judge, Chandigarh is set aside.

[8]. It would be appreciated if the executing Court decides the issue in question within a period of three months from the date of receipt of certified copy of this order.

[9]. With the aforesaid direction, this revision petition along with all pending applications(if any) is disposed of.

May 06, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No