

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Decided on: May 6, 2019.

(1)

CR-6955-2017 (O&M).

Charanjit Singh and another

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(2)

CR-6954-2017 (O&M).

Nihal Singh and another

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(3)

CR-7240-2017 (O&M).

Amar Singh Deceased through LRs

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(4)

CR-7243-2017 (O&M).

Sohan Singh Deceased through LRs

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(5)

CR-7244-2017 (O&M).

Sohan Singh Deceased through LRs

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(6)

CR-8112-2017 (O&M).

Dogar Singh Deceased through LRs

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(7)

CR-9202-2017 (O&M).

Om Parkash and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(8) CR-9188-2017 (O&M).

Atma Ram Deceased through LRs .. Petitioners

VERSUS

State of Punjab and others .. Respondents

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(9) CR-6808-2017 (O&M).

Hans Raj Deceased through LRs .. Petitioners

VERSUS

State of Punjab and others .. Respondents

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(10) CR-464-2018 (O&M).

Karam Singh Deceased through LRs .. Petitioners

VERSUS

State of Punjab and others .. Respondents

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(11) CR-1163-2018 (O&M).

Harnam Singh deceased through LRs and others .. Petitioners

VERSUS

State of Punjab and others .. Respondents

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(12)

CR-1169-2018 (O&M).

Daulat Ram deceased through LRs and others

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

* * *

(13)

CR-7878-2017 (O&M).

Balbir Singh Deceased through LRs

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(14)

CR-763-2018 (O&M).

Amar Singh Deceased through his Lrs and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(15)

CR-8539-2017 (O&M).

Avtar Singh and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

* * *

(16)

CR-9199-2017 (O&M).

Lajja Ram and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

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CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

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PRESENT Mr.Amarjit Markan, Advocate, with
Mr.Kanwal Goyal, Advocate,
for the petitioners in all the petitions.

Mr.Ambika Bedi, AAG. Punjab.

Mr.K.S.Kang, Advocate,
for respondent No.3.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of revision petitions, aforementioned, which have been preferred against the orders of the executing Court seeking execution of the award of the reference Court dated 12.11.2005.

Mr.Amarjit Markan, learned Advocate for the petitioners, assisted by Mr.Kanwal Goyal, Advocate, submits that there was a discrepancy on behalf of the beneficiary for whom the land was required in not arriving at a calculation which was in terms of provisions of the Award of the Collector merged into the orders of reference Court as well as the High Court which enhanced the same. The calculations submitted before the

executing Court was in tandem with the orders of the reference Court containing the element of interest on all the heads including the statutory benefits but the impugned order has gone beyond the order of the reference Court by denying the claim of interest on loss of income to be not under any provisions of the statutory benefit i.e. Section 23 of the Land Acquisition Act, 1894. Therefore, there was infirmity and falsity in the impugned order.

The other ground for non-suiting the land owners was that they had already assailed the acquisition in writ court and therefore, for that period would not be entitled to the interest which entry is totally incorrect as per the memo of parties of the writ petition bearing CWP No.5715 of 1995.

Per contra, Mr.K.S.Kang, Advocate, appearing on behalf of contesting respondent No.3 – beneficiary submits that there were factual errors with regard to certain claims in the revision petition CR No.6954-2017 where the reference Court has not granted compensation on a particular component which has been sought in the present case is not the subject matter either of the Award or the reference Court or of this Court. Reference Court had not even granted compensation on particular component but the interest has been claimed after the orders of the reference Court but the interest has not been paid on the said component. In certain cases, remaining interest has also been paid upto 2017.

Learned State counsel submits that since the land has been acquired for the beneficiary, therefore, the liability, if any, has to be

satisfied by respondent No.3.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the matter at the level of the execution requires to be reviewed as under:-

(1) by going through the memo of parties of the writ (Annexure P4) as well as of the revision petition in which the petitioner concededly was not a party and the ground of declining the entitlement of interest on that point in my view, prima facie, is preposterous.

(2) The executing Court not in one but in many ways denied the relief to the land owners on the premise that there is no provision for grant of interest on loss of income under the statutory benefits awarded by the reference Court which is factually incorrect in view of clause 9 of the reference Court which reads as under: -

“(ix) For the loss of income, the land owners shall be paid compensation @ Rs.5,000/- per acre, subject to maximum of Rs.30,000/-. It is, however, clarified that the compensation for the loss of income shall be paid to only those land owners, at the time of acquisition whose entire holding or 7% of their holding has been acquired. In the case of Karam Chand Vs. State of Punjab, the compensation @ Rs.4,000/- per month for a period of six months i.e. Rs.24,000/- in all shall be paid to him.”

(3) There appears to be some force in the arguments of Mr.K.S.Kang, Advocate, with regard to claim of component of interest on loss of income but I am of the view that entire exercise is required to be

undertaken by the executing Court.

In such circumstances, I further direct both the parties to submit individual calculations in each and every case commensurating with the award of the reference Court merged in the order of the High Court by pointing the various heads, they have been held entitled to.

Similarly, respondent No.3 would also submit calculations with regard to the payments already made, non-entitlement, compliance not being in tandem with the award of the reference Court or the High Court.

(4) In case of any variation, both the calculations shall be exchanged. The trial Court shall give them time to sit together and in case of any non-consensus with regard to the calculations, assistance of the experts with regard to particular calculations from the office of Land Acquisition Department or Independent Agency will be taken, which is also directed, to render assistance to both the parties to arrive at a just and fair settlement as to avoid the unnecessary delay and the element of interest on loss of income in case it would still accrue or arrested.

The impugned order is set aside.

The revision petition is disposed of.

This Court is sanguine of the fact that the executing Court shall dispose of the execution application as expeditiously as possible.

The parties are directed to appear before the executing Court on 28.5.2019.

A copy of the order be placed on the file of each connected case.

May 6, 2019.
raj arora

(AMIT RAWAL)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No