

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

C.R. No.3673 of 2019

Date of Decision.30.05.2019

Punjab Housing and Urban Development Authority ...Petitioner

Vs

Darshan Singh (deceased) through LRs and others ..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Grover, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

Present revision petition is directed against the impugned order dated 27.09.2018 (Annexure P-7) and subsequent order at the instance of the Punjab Housing and Urban Development Authority whereby beneficiary was called upon to make the payment of share to the legal heirs of Sh. Darshan Singh i.e. daughters and recover amount from Satnam Singh, another sibling, in accordance with law.

Mr. Ashish Grover, learned counsel appearing on behalf of the petitioner submitted that in pursuance of land acquired under the erstwhile Land Acquisition Act, 1984, compensation qua land of Darshan Singh was assessed. However, during pendency Darshan Singh died and vide order dated 08.09.2012 (P-1), his daughters and son were impleaded as legal representatives. Reference Court vide award dated 18.12.2013 enhanced compensation at a uniform rate i.e. ₹20 lakhs per acre. However, regular first appeal bearing No.4146 of 2014 is pending wherein there is interim stay qua disbursement of 50% of enhanced amount. Initially respondent No.1 Darshan Singh represented through legal heirs i.e. daughters filed execution

application under Order 21 Rule 11 CPC for claiming enhanced amount but it was withdrawn on 11.12.2015 (Annexure P-3). Execution application dated 6.12.2016 (P-5) was filed wherein petitioner on appearance brought to the notice stay of 50% of the amount and particulars of the amount also received. It was also disclosed that Satnam Singh had submitted an application for release of the amount and also enclosed copy of the Will. The petitioners in lieu thereof, released enhanced amount as determined after adjustment of 50% of the amount by considering interim stay. Trial Court did not call upon Bank to pay aforementioned amount to the beneficiary with liberty to recover and even warrants of sale of attached property have been issued vide order dated 30.03.2019 (Annexure P-9) wherein date of auction has been slated for 10.06.2019. The impugned order is not sustainable in the eyes of law, in view of provisions of Section 30 of the Land Acquisition Act, 1894. The suit for declaration on account of disbursement was also withdrawn.

I have heard learned counsel for the petitioner, appraised paper book and of view that order under challenge is not sustainable. The petitioner is at liberty to move an appropriate application by bringing into notice the aforementioned provisions for relegating the parties to either avail the remedy in accordance with law or subject to any terms and conditions by protecting the amount due, to the wife and decision in the suit whether in lieu thereof, share of Darshan Singh would devolve upon all the siblings or in favour of Satnam Singh as per Will. The impugned order and the order of auction sale

are set aside. In case any such application is moved, the trial Court shall decide the same as expeditiously as possible after affording opportunity to sisters and Satnam Singh and pass order in accordance with law.

The revision petition is allowed in the above terms.

(AMIT RAWAL)
JUDGE

May 30, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No