

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

CR No.4140 of 2019

Date of decision: 19.07.2019

Tarlochan Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harwinder Singh, Advocate,
for Mr. Anish Garg, Advocate,
for the petitioners.

Mr. Ashok Kumar Singla, Senior DAG, Punjab.

Ritu Bahri, J.

This petition has been filed against the order dated 31.05.2019 (Annexure P-1) passed by the Additional District Judge, Patiala, whereby application filed by judgment debtor-petitioners for release of enhanced amount of compensation has been allowed subject to furnishing of indemnity bond along with sureties of the like amount to the satisfaction of the Court.

Learned counsel for the petitioners contends that land of the petitioners was acquired by the respondents for setting up the integrated township. Award, in this regard, was passed by the Land Acquisition Officer on 26.06.2003. Against the said award, reference under Section 18 of the Land Acquisition Act was made by the land owners-petitioners.

Thereafter, the petitioners filed regular First Appeal before this Court, which

was allowed and amount of compensation was enhanced. Feeling

aggrieved, respondents and claimants-petitioners filed appeals before the Hon'ble the Supreme Court, which were disposed of vide common judgment dated 24.10.2018 (Annexure P-2). While deciding the above appeals/petitions, the compensation was uniformly determined at the rate of Rs.400/- per sq. yard for the entire land. Hence, the proceedings of acquisition have now been completed.

However, at the time of release of compensation vide impugned order dated 31.05.2019 (Annexure P-1), the Additional District Judge, Patiala, has imposed a condition of furnishing the indemnity bond and surety of the like amount.

Once the acquisition proceedings have attained finality vide order dated 24.10.2018 (Annexure P-2), the impugned condition cannot be imposed by the Court while releasing the amount of compensation.

Resultantly, the impugned order dated 31.05.2019 (Annexure P-1) is set aside only to the extent of imposing the condition of furnishing the indemnity bond along with sureties of the like amount. The amount of compensation is ordered to be released in favour of DH-petitioners without insisting upon furnishing of any indemnity/surety bond.

Allowed accordingly.

19.07.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No