

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.7642 of 2015 (O&M)

Date of Decision: 30.04.2019

Gurpreet Singh & Ors.

... Appellants

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. RVS Chugh, Advocate for the appellants

Ms. Simran Grewal Randhawa, AAG Punjab

Mr. GS Kaura, Advocate for respondents No.2&3

G.S. SANDHAWALIA, J. (Oral)

(1) The present appeal filed by the landowners under Section 54 of the Land Acquisition Act, 1894 is directed against the order dated 30.09.2015 passed by the ADJ Mansa whereby in pursuance of the earlier order dated 05.12.2013 (A2) passed under Section 30 of the Land Acquisition Act, 1894, the amount of compensation as per the calculation made by the Tehsildar was allowed. Resultantly, the compensation was to be disbursed as per the share which had been found as per the earlier order dated 05.12.2013 wherein all the respondents were held entitled for compensation as per their share in the joint land. In the earlier order passed under Section 30, it was held that there was no partition and the property was joint.

(2) Apparently, the impugned order passed is not the award which was subject matter *inter se* parties under Section 30 and is only in execution proceedings. On 05.03.2019, the following order was passed:-

“Status report dated 28.02.2019 filed by Land Acquisition Collector (ADC), Mansa on behalf of respondent No.1 is taken on record. Copy supplied.

Counsel prays for time to apprise this Court as to how an appeal under Section 54 of the Land Acquisition Act, 1894 is maintainable against the impugned order dated 30.09.2015.

Adjourned to 30.04.2019.”

(3) Section 54 of the 1894 Act reads as under:-

“54. Appeals in proceedings before Court. – Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to [the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLIV thereof.”

(4) It is thus apparent that the appeal as such would be only maintainable against the award whereas the impugned order arising out of execution proceedings cannot be categorized as an award whereby the appeal would be maintainable. The appellants’ remedy as such lies elsewhere. In such circumstance, this Court is of the opinion that the present appeal is not maintainable. Accordingly, the same is dismissed with liberty

to the appellants to avail their remedy under competent proceedings if any,
qua the impugned order.

(5) Dismissed with liberty aforementioned.

30.04.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No