

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-1822-2018 (O&M)

Date of decision: 13.02.2019

Lakhmi Chand & another

....Petitioners

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Ajay Jain, Advocate, for the appellants.

G.S. SANDHAWALIA, J. (Oral)

Admittedly, the appellants never filed any petition under Section 18 of the Land Acquisition Act, 1894, for enhancement of the amount as awarded by the Land Acquisition Collector, Rewari dated 03.05.2000 wherein Rs.2 lakhs had been awarded for Chahi land. Challenge in the present appeal has been laid to the order dated 15.02.2017, passed by the Addl.District Judge, Rewari, whereby the petitioners were given benefit of the enhanced compensation @ Rs.6 lakhs per acre as granted to the co-owners, in view of the order of the Reference Court, in their case.

The appellants now seek the benefit of further enhancement, as granted by this Court in RFA-871-2003 titled *State of Haryana Vs. Asha Ram*, decided on 15.12.2010 (Annexure P-3) @ Rs.6,50,000/-. Under Section 54 of the Act, an appeal is only maintainable against an award and therefore, this Court is of the opinion that the present appeal itself is not maintainable against the order of the Executing Court. Even otherwise, once the appellants have already availed the benefit of the enhanced amount in execution proceedings, they can file a second application before the Executing Court for further enhancement.

Faced with this situation, counsel is not in a position to press the present appeal and prays that the same may be dismissed as withdrawn along with the misc. applications and liberty be given to avail the alternative remedy, in accordance with law.

Ordered accordingly.

13.02.2019

Sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No