

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 1759 of 2021

Raj Kumar
... Petitioner(s)

Versus
Union of India and Others
... Respondent(s)

2. Civil Revision No. 1764 of 2021

Dharam Paul alias Dharam Pal and Another
... Petitioner(s)

Versus
Union of India and Others
... Respondent(s)

AND

3. Civil Revision No. 1767 of 2021

Rani and Another
... Petitioner(s)

Versus
Union of India and Others
... Respondent(s)

DATE OF DECISION: 02.09.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Karan Gupta, Advocate
for the petitioner(s).

Mr. Lalit Kumar Sharma, Advocate
for Mr. Sunil Kumar Sharma, Advocate
for respondent No.1-Union of India.

Ms. Sunint Kaur, Assistant Advocate General,
Punjab, for respondent No.2 and 3.

Anil Kshetarpal, J.

1. By this order, Civil Revision No. 1759, 1764 and 1767 of 2021 shall stand disposed of.

2. While disposing of ***Roda Singh v. Union of India (Civil Revision No. 1380 of 2021)*** and other connected cases, on 27.07.2021, this Court has passed the following order:-

“1. By this order, Civil Revision No. 1380,1383, 1388, 1389 and 1391 of 2021 shall stand disposed of.

2. On going through the impugned order passed by the learned Executing Court, this Bench is constrained to observe that the Court below has preferred technicalities over the cause of substantive justice. The petitioner(s) is/are the land owners. Their land was compulsorily acquired under the Land Acquisition Act, 1894. The amount of compensation has been finally determined by the Court. Their previous execution application for recovery of the amount was consigned to record being partly satisfied. The petitioners want the payment of remaining amount. They filed an application for restoration of the execution petition. A further request was made to treat the application for restoration as a fresh execution petition. The attention of the Court was also drawn to the order, passed by the High Court in ***Charan Dass v. Union of India and Others (ESA No. 5 of 2018, decided on 02.05.2018)***, a connected case. However, the learned Executing Court dismissed the application with the observation that the petitioner(s) can file a fresh execution petition.

3. Notice of motion.

4. On the request of the Court, Mr. Sunil Sharma, Advocate, accepts notice for Union of India-respondent No.1 and Ms.Kanica Sachdeva, Assistant Advocate General, Punjab,

accepts notice on behalf of respondent No.2 and 3. At this stage, service of notice upon respondent No.4 is dispensed with.

5. *Learned senior counsel representing the petitioner(s) submits that certain identical orders, consigning the previous execution petitions to record being partly satisfied, already stand recalled. He submits that more than 50% of the execution petitions have already been restored through appropriate orders (Annexures P4 & P5).*

6. *It is well settled that the Courts have been assigned the responsibility to do substantive justice between the parties. The petitioners already stand deprived of their land. The amount of compensation has also been finally determined. In such circumstances, the Courts are required to ensure the payment of amount to the persons who had lost their land due to compulsory acquisition. The Courts are required to focus on doing complete justice between the parties, rather than giving preference to technicalities.*

7. *In such spirit, the present petitions are allowed and the various orders, under challenge, are set aside. The learned Executing Court is requested to ensure that the land owners, who stand deprived of the land, are paid the remaining amount positively, within a period of three months. The Court will be at liberty to resort to coercive measures if the payment is not deposited by the judgment debtor.*

8. *Since this order has been passed without issuing any notice to respondent No.4, she will have the liberty to file an application for recall.*

9. *The parties, through their learned counsel, are directed to appear before the learned Executing Court on 16.08.2021. The respective execution petitions shall stand restored to their original number. The learned Executing Court shall be at liberty to issue notice to respondent No.4.*

10. The miscellaneous application(s) pending in the revision petitions, if any, shall stand disposed of”.

3. The learned counsel representing the petitioner contends that the petitioners are also identically situated and their applications for restoration of the execution petitions have been wrongly dismissed.

4. Notice of motion.

5. On the request of the Court, Mr. Lalit Sharma, Advocate, appearing for Mr. Sunil Kumar Sharma, Advocate, accepts notice on behalf of respondent No.1-Union of India and Ms. Sunint Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.2 & 3.

6. Keeping in view the facts of the case, these revision petitions are allowed in the same terms as in ***Roda Singh’s case (supra)***. The parties, through their learned counsel, are directed to appear before the Executing Court on 13.09.2021.

**(Anil Kshetarpal)
Judge**

September 02, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No