

**CR-22 of 2020 (O&M) and
other connected cases**

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

**CR-22 of 2020 (O&M)
Date of decision: 30.11.2022**

State of Punjab and another

..Petitioners

Versus

Assa Singh (deceased) through LRs and others

..Respondents

CR-2221 of 2020 (O&M)

Late Bawa Balraj Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CR-298 of 2020 (O&M)

Punjab Small Industries and Export Corporation Ltd.

..Petitioner

Versus

Assa Singh (deceased) through LRs and others

..Respondents

CR-2216 of 2020(O&M)

Late Bawa Balraj Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CR-2222 of 2020(O&M)

Bawa Harish Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CR-2218 of 2020(O&M)

**CR-22 of 2020 (O&M) and
other connected cases**

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Bawa Harish Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Salina Chalana, Advocate
for the petitioner (in CR-298 of 2020)
for respondent no.3(in CR-2216, 2218, 2221, 2222 of 2020)

Mr. Gurpreet Singh, Addl. A.G., Punjab

Mr. C.M.Munjhal, Advocate.

Ms. Aashima Narula, Advocate
for Mr. R.S.Kalra, Advocate
for the respondents (in CR-22 of 2020)

ANIL KSHETARPAL, J(Oral)

These six revision petitions have come up for final disposal.

Pursuant to acquisition of the land, certain matters were referred to the Court for re-assessment. In those proceedings, an additional amount has become payable to the applicants. It has been brought to the notice of the Court that on the basis of assessment made by the Court, some of the co-owners, who did not file any application under Section 18 or 28-A of the Land Acquisition Act, 1894, have also filed the execution petitions. In those proceedings, the bank accounts of the Punjab Government were ordered to be attached. In compliance of the interim orders, certain amount has been deposited in this Court.

It has also been brought to the notice of the court that some of the decree holders have not been paid the amount due to them.

In CR-814 of 2020, **Rajender Singh and another vs. State of Haryana and Others**, decided on 15.09.2022, this Court has formed an opinion that in the absence of a judgment, award, decree or order a co-

sharer/co-owner is not entitled to file an execution petition unless he had, initially, filed an application under Section 18 or 28-A of the Land Acquisition Act, 1894.

There should not be any difficulty in paying the landowners, who filed the cases under Section 18 or 28-A of the 1894 Act. The Executing Court shall pay the amount after verifying the genuineness of their claim. While exercising jurisdiction under Article 227 of the Constitution of India, this Court is not expected to perform the functions of the Executing Court. Hence, the practical and effective solution to the entire dispute is to direct the Executing Court to proceed with the matter in accordance with the law and pay the amount after verifying the genuineness of the respective claims.

The Registrar General is directed to electronically remit the amount to the concerned Executing Court forthwith.

The Executing Court is requested to finally decide the matter positively within a period of one month, from today.

All the revision petitions are disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

November 30, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*