

**C.R. No.814 of 2020(O&M)
and other connected cases**

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

**C.R. No.814 of 2020(O&M)
and other connected cases
Date of Order:15.09.2022.
Reserved on:07.09.2022**

Rajender Singh and another

.Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Akshay Jindal, Advocate for the petitioners
in CR-814-2020 and CR-1744-2020**

Mr. Pritam Singh Saini, Advocate, for HSIIDC

**Mr. Deepak Sabherwal, Advocate, for
the petitioners in CR-3286-2022 and
for respondent in CR-1744-2020**

**Mr. Anil Chawla, Advocate,
for the petitioner in CR-2138, 2139 and 2140 of 2016**

**Mr. P.K.Dwivedi, Advocate
for the petitioner in CR-467-2017 and CR-468-2017**

**Mr. Suresh Ahlawat, Advocate, for the petitioners
in CR-2159 of 2020 and
for respondent in CR-1871, 1873 of 2021**

**Mr. G.S.Shahpuri, Advocate, for the petitioner
in CR-1665-2022, CR-1549-2021 and CR-884-2021
and for the respondent in CR-3491-2021
for respondent no.1 in CR-633 of 2022
for respondent no.1(i)9ii), 2(i to iii)
and 3 to 6 in CR-459-2022**

**Mr. B.R.Mahajan, Sr. Advocate with
Mr. Harsh Vardhan Sherawat, AAG, Haryana and
Mr. J.S.Jammu, AAG, Haryana**

**Mr. Vandit Jain, Advocate for
Mr. Vipin Pal Yadav, Advocate, for respondent no.1.
In CR-347 and 545 of 2021**

**Mr. B.K.Bagri, Advocate, for respondents
in CR-2869-2022**

**Mr. Sudhir Aggarwal, Advocate, for
respondent no.1 in CR-2138 and 2873 of 2016**

**Mr. Kuldeep Sharma, Advocate and
Mr. R.N.Lohan, Advocate
for the respondents in CR-16789 of 2018**

**Mr. Amit Jain, Advocate, for respondent no.1.
In CR-462 of 2022**

**Mr. Gaurav Aggarwal, Advocate, for respondent no.1
in CR-3504 of 2021 and CR-1558-2022**

**Mr. Madan Pal, Advocate for the respondent
in CR-424-2022, 793-2021, 425-2022 and 594-2021.**

**Mr. Anil Kumar, Advocate, for the petitioner (in CWP-
20911-22)**

**Mr. Nikhil Chopra, Addl.A.G., Punjab.
Mr. Harsh Vardhan, AAG, Haryana**

ANIL KSHETARPAL, J

1. This judgment shall dispose of 115 civil revision petitions and a Civil Writ Petition (details whereof are at the foot of the judgment) filed under Article 227 of the Constitution of India read with Section 115 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the CPC').

2. After having heard the learned counsels representing the respective parties, the following questions arise for adjudication:-

(1) Whether on the basis of a judgment of the Court enhancing the compensation of acquired land passed in the case(s) filed by a co-sharer with respect to his own share in undivided/joint land, the other co-sharer(s), who did not file any petition, can file an execution petition to claim the enhanced compensation without any

enforceable award/judgment in his/their favour when the petition had been filed by the other co-sharers on their behalf and not on the behalf of all co-sharers?

- (2) *Whether the orders passed by the Lok Adalats, on the basis of concession granted by the officials under the misconception of law, are binding, particularly in the absence of a conscious decision of the concerned Organization /Institution/ Corporate entity/ State Government/juristic person?*

3. **DISUCSSION**

ISSUE NO.1

3.1 On the one hand, the learned counsels representing the landowners while relying upon the following judgments **A. Viswanatha Pillai vs. Special Tehsildar for Land Acquisition, (1991) 4 SCC 17, Surjit Singh and othes vs. State of Haryana and another , 2007 (1) R.C.R.(Civil) 352, Ram Chander and others vs. The State of Haryana and another, 2016 (4) Law Herald 3533, Smt. Parwati and another vs. The State of Haryana and another, 2009(5) R.C.R.(Civil) 572, Sombir and others vs. State of Haryana and others, (CWP-35666 of 2019, decided on 09.12.2019), Patiala Improvement Trust through its C hairman vs. S. Amar Singh and others, 2005(2) R.C.R.(civil) 332, Ramesh Singh (died) by LRs vs. State of Haryana, (1996) 4 SCC 469, and Punjab Small Industries and Export Corporation vs. Randhir Singh and others, 2022 (2) R.C.R.(Civil) 520**, contend that once the market value of the acquired land of the co-sharers has been enhanced by the Court, the remaining co-sharers

can file an execution petition without any judgment or decree in their favour.

In substance, their main argument is that the State cannot discriminate with its subjects, particularly when they are identically situated in a case. The provisions of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') are required to be interpreted in a manner which ensure that all the land-losers get adequate, fair and reasonable compensation for the compulsory acquisition of their land.

3.2. Per contra, the learned Advocate General, Haryana, while referring to the provisions of Section 18 of the 1894 Act and Section 64 of the 2013 Act contends that the concept of the co-owners representing the other co-owners while filing a petition under Section 18 of the 1894 Act or Section 64 of the 2013 Act, as the case may be, is not envisaged in any of the Acts. While elaborating, he submits that any person interested in the compensation and who has not accepted the award of the Collector, is required to file a written application to the Collector in this regard. In the absence of a written application, such interested person shall not be entitled to object the correctness of the amount offered by the Land Acquisition Collector (hereinafter referred to as 'the LAC') except under Section 28A of the 1894 Act i.e only when there is an enhancement in the amount of market value of the acquired land by the Reference Court (hereinafter referred to as 'the RC'). For filing an application under Section 28A of the 1894 Act, the interested person shall apply within a period of 3 months from the date of judgment of the RC awarding the enhanced market value. The learned

Advocate General, Haryana, relies upon the various judgments passed by this Court in *Piara Singh vs. State of Punjab and another (Civil Writ Petition No.23669 of 2021, decided on 07.12.2021)*, *Shamsher Singh and another vs. State of Haryana and others (Civil Writ Petition No.15100 of 2021, decided on 10.08.2021)* and *State of Haryana vs. Jai Dev (Civil Revision No.2811 of 2000, decided on 24.08.2010)*.

3.3 At this stage, it would be appropriate to notice the statutory scheme of the concerned provisions. Section 26 of the 1894 Act envisages that the Judge shall pass an award in writing while specifying the amount awarded under the first clause of sub-section (1) of Section 23 and also the respective amounts, if any, awarded under the various other clauses. Sub-Section(2) of Section 26 provides that every such award shall be deemed to be a decree of the Court in accordance with Section 2(2) & 2(9) of the CPC. Section 2(2) defines the expression “decree”, whereas Section 2(9) defines the expression “judgment”. Section 33 of the CPC mandates the preparation of decree after the judgment has been passed by the Court. The aforesaid relevant provisions are extracted hereunder:-

26. Forms of awards. -

(1) Every award under this part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same subsection, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2. clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure 1908.”

Section 2(2), 2(9) and 33 of the Code of Civil Procedure, 1908

2. Definitions.—*In this Act, unless there is anything repugnant in the subject or context,—*

(1) XX XX XX XX

(2) “decree” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include—

(a) any adjudication from which an appeal lies as an appeal from an order, or

(b) any order of dismissal for default.

Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly

preliminary and partly final;

(3). XX XX XX XX

(4) XX XX XX XX

(5) XX XX XX XX

(6) XX XX XX XX

(7) XX XX XX XX

(8) XX XX XX XX

(9) “**judgment**” means the statement given by the Judge
of the grounds of a decree or order

33. Judgment and decree.—*The Court, after the case has
been heard, shall pronounce judgment, and on such
judgment a decree shall follow.”*

3.4. It is evident on a careful reading of the aforesaid provisions,
that a decree will follow the judgment passed by the Court. In the absence
of a judgment, no decree can be passed. Section 2(9) provides that
judgment is a statement given by the Judge of the grounds of a decree or an
order. In substance, the concluding/ operative part of the judgment is made
the part of the decree. As per part-II of the Civil Procedure Code, 1908 that
contains Section 36 to 74, the provisions have been made regarding the
execution of the decree or in other words, for the enforcement of the decree.

3.5. Section 18 of the 1894 Act takes into ambit every person, who
has not accepted the award announced by the LAC, to apply to the Collector
for referring the matter to the Court for redetermination. It is specifically
provided that any person interested who has already accepted the award
shall not be entitled to apply to the Collector for referring the matter to the

Court for redetermination. A similar provision exists in the 2013 Act i.e. Section 64 of the 2013 Act. Section 18 of the 1894 Act and Section 64 of the 2013 Act are extracted hereunder:-

18. Reference to Court. -

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award; (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

64. Reference to Authority.—

(1) Any person interested who has not accepted the award may, by written application to the Collector,

require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

3.6. It is evident that the concept of a co-owner acting on behalf of the remaining co-owners, is not provided in the Act specifically. There may be cases where the co-owner applies under Section 18 or 28-A of the 1894 Act on behalf of the remaining co-owners and the court, while taking into consideration the entire unpartitioned acquired land in the khewat, proceeds to decide the same. However, in the absence of specific application for referring the matter to the Court on behalf of the remaining co-sharers, an application filed by a co-owner(s) shall have to be treated to have been filed for his/their own benefit to the exclusion of other co-sharers. The landowners who failed to file application under Section 18 of the 1894 Act, have another opportunity to file application under Section 28A of the 1894 Act. Moreover, Section 28-A (1) of the 1894 Act provides for the limitation of a period of 3 months, from the date of the award passed by the RC, with no provision for the condonation of delay.

3.7. The Executing Court enforces the decree which has been prepared by the Court on the basis of the judgment passed. In absence of the decree in favour of the party, the execution petition is not maintainable.

3.8. Now the Bench proceeds to analyze the arguments made by the learned counsels representing the parties.

3.9. It may be noted here that in *Shamshers Singh's case (supra)*,

this Court had an opportunity to examine the scheme of the Act with reference to the claim of a co-sharer for the enhanced market value. After considerably discussing the judgments passed in *Ramesh Singh (dead) (suror), Irshad Ali and others vs. Hazi Abdul Sukhur Mazumdar and others (1997) 7 SCC 88*, *Smt. Ambey Devi vs. State of Bihar and another, (1996) 9 SCC 84*, and *State of Haryana vs. Jai Dev (CR 2811 of 2000)*, *A Viswanatha Pillai and others vs. Special Tahsildar for Land Acquisition No.IV and others AIR 1991 SC 1966*, it was observed as under:-

“The 1894 Act is a complete Code. It grants two opportunities to the land owners to apply for re-determination of the market value of the acquired land after determination by the Land Acquisition Collector. Once the statute makes adequate provisions, the persons who have slept over their rights, cannot be permitted to avail the extraordinary writ remedy. Furthermore, the application under Section 18 can only be filed if the land owners have not accepted the award. In the present case, it is not clear as to whether the petitioners accepted the award of the Land Acquisition Collector or not. The writ remedy is not for the persons who are not vigilant. It is well settled that ignorance of law is no excuse. Besides, the writ petition suffers from colossal unexplained delay and laches. The acquisition was completed in January, 2004. The Regular First Appeals were decided by the High Court on 06.11.2015, whereas the writ petition has been filed in July, 2021. Thus, there is delay of 17 years. It may be noted here that in the context of the entitlement of the co-sharer, to the enhanced compensation, without seeking reference, either under Section 18 or 28A of the Act 1894, the Supreme Court has repelled the claim after examining the matter in the context of Article 14 of the

Constitution of India in 'Ramesh Singh (dead) and others vs. State of Haryana and others' (1996) 4 SCC 469. Para 5 of the judgment reads as under:-

“5. It is argued by Shri Rohtagi that the petitioners being co-owners, they are entitled to compensation on a parity with other co-owners and the denial thereof is violative of Article 14. We find no force in the contention. Having laid independent claims and sought reference under Section 18, the right and remedy are only as provided under Section 18 or on an appeal under Section 54 but not by way of getting impleaded on the premise of a co-owner. Merely because one of the claimants had got higher compensation, others do not automatically get the same compensation unless the remedies, as provided under the Act, are availed of. One of the remedies under the Act is Section 28-A; if it is available according to law. Determination of higher compensation in favour of some claimants or so-called co-owners and denial thereof to other claimants is not violative of Article 14 of the Constitution. The subject-matter having been regulated under the provisions of the Act, the right and remedy for higher compensation should be sought and had only under the Act. The principle of equality of Article 14 cannot be extended in that behalf.”

Similarly, in 'Irshad Ali and others vs. Hazi Abdul Sukhur Mozumdar and others', (1997) 7 SCC 88, a co-sharer sought reference under Section 18 which was decided but he never filed an appeal, whereas the other co-owners filed an appeal and got enhancement. Hon'ble Supreme Court held that such co-owner, who did not file an appeal, has waived his claim and hence, not entitled to

the enhanced compensation. Similarly, in 'Ambey Devi vs. State of Bihar and another' (1996) 9 SCC 84 a co-sharer in the land, without filing reference under Section 18, filed an appeal before the High Court. In that context, the Supreme Court held that his appeal was not maintainable unless he has sought reference under Section 18. Similarly, in State of Haryana vs. Jai Dev, CR 2811 of 2000 decided on 24.08.2010, the Court after examining the various judgments held that enhanced compensation, without seeking reference under Section 18 or 28A, cannot be paid.

It may be noted here that there is one judgment of Supreme Court in A. Viswanatha Pillai And Ors vs Special Tahsildar for Land 1991 AIR SC 1966. In this case, some co-sharers have sought reference on behalf of all the other co-sharers. In that context, the Supreme Court held that since some of the co-sharers can file a claim on behalf of others, therefore, the Court awarded the enhanced compensation. However, in this writ petition, the petitioners are claiming the enhanced compensation only on the basis of determination of other land owners. The petitioners claims that such action of the State is in violation of Article 14 of the Constitution of India. In the considered view of this Court, Article 14 cannot be invoked in such circumstances.”

3.10. As already noticed, the maintainability of the execution petition is dependent upon the judgment of the Court. In the absence of a judgment, there cannot be any decree. In the absence of a decree, there cannot be any execution petition which is in the nature of enforcement or implementation of the relief granted in a judgment and decree. In a case of such a nature, co-sharer has no decree in his favour unless the other co-owner who applied for

the redetermination has specifically applied on behalf of the remaining co-sharers as well. As is evident, Section 18 of the 1894 Act mandates that a petition under Section 18 can be filed only by a person who has not accepted the award made by the Collector.

3.11 As already discussed in **Shamsher Singh's case (supra)**, the 1894 Act grants two opportunities to the landowners to apply for redetermination of the market value of the acquired land after the LAC has offered to pay the amount. The provisions of the 2013 Act are quite similar to the 1894 Act. Section 64 of the 2013 Act again provides that any person interested in the award, who has not accepted the award may apply to the Collector for referring the matter to the Court for redetermination. Section 73 of the 2013 Act enables the authority (Reference Court) to reassess the market value of the acquired land in accordance with law. Even the provisions of the 2013 Act do not provide that once the amount has been assessed for a particular acquisition for certain co-owners, then the remaining co-sharers or other owners shall be entitled to claim the same amount on the principal of parity, without personally applying for the same.

3.12. It is evident from a careful reading of Section 18 as well as Section 28-A of the 1894 Act that these sections provide for the limitation period specified for filing the application for redetermination. Once the period of limitation has lapsed, there is no other provision for the condonation of delay because the Collector is not a Court and hence, Section 5 of the Limitation Act, 1963, is not applicable in such cases. Reliance in this regard can be placed on **Mohd. Hasnuddin vs. State of Maharashtra, (1979) 2 SCC 522.**

3.13. Moreover, Section 18 of the 1894 Act provides for application for reference to be filed by 'any person' interested in the amount. In other words, Section 18 talks of natural person or a juristic person. The expression "person interested" has been defined in Section 3(b) of the 1894 Act. Moreover, the Executing Court only enforces a decree i.e. it implements the judgment passed by the Court. A combined khata/khewat can have the separate parcels of land located on the various parts of the acquired land having the different market value. A particular parcel of land located near the main road, market, commercial, residential or institutional area would fetch more price when compared with the parcel of land which is located far away. It is not necessary that the entire joint/unpartitioned land would be in a compact block having uniform market value. By the very nature of jurisdiction of the Executing Court, it would be beyond the scope of the Executing Court to decide these questions, as it only gives effect to an order or judgment passed by the Court as it is. It does not decide questions that would effect the substance of the judgment. The concept of dividing the acquired land into the various belts is well known so as to distinguish the market value of the land located in various parts of the acquired land according to its potentiality. There is no universal practice that the entire acquired land shall be assessed uniformly.

3.14. In **Patiala Improvement Trust (supra)** the High Court followed **A. Viswanatha Pillai**. In fact, this judgment has been explained in **Piara Singh's case (supra)** in the following manner:-

*“As regards judgment passed in **Patiala Improvement Trust through its Chairman's case(supra)**, the Court*

noted that in the aforesaid case the execution petition had been allowed by the Executing Court. The aforesaid order was challenged by filing a revision petition. The High Court came to conclusion that the Reference Court has already directed that the revised market rate in the peculiar circumstances of the case shall be universally applicable. In those facts, the court dismissed the revision petition.

In the considered opinion of this Court, the extracted portion of the judgments, have categorically laid down that a co-owner is not entitled to file an execution petition without seeking reference under Section 18 of the 1894 Act.”

3.15. Moreover, there is no concept of representative assessment of the market value of the acquired land unless the co-sharer seeks reference on behalf of the entire body of co-sharers as a representative. Both the Acts do not envisage that all the owners of the acquired land are entitled to the same amount of compensation irrespective of filing an application for redetermination. The Court while exercising the jurisdiction under Section 18 of the 1894 Act or Section 54 of the 1894 Act only assesses the market value on the basis of evidence led by the parties. In other words, the assessment by the court is on the basis of the evidence produced before it and there is no general declaration with respect to the market value of the acquired land. In such circumstances, enabling a co-owner to file an execution petition on behalf of the other co-owners when the former never filed an application under Section 18 of the 1894 Act is not envisaged in the Act. The judgment passed in **A.Viswanatha Pillai(supra)** has already been courteously explained in **Shamsher Singh's case (supra)**. In **Surjit Singh's case (surpa)** the Court while relying upon **A.Viswanatha Pillai (supra)** held that a co-owner is entitled to file an appeal under Section 54 of the 1894 Act without filing a reference under Section 18 of the 1894 Act.

Similarly, in **Smt. Parwati and another(supra)**, the Court has relied upon the view taken in **A.Viswanatha Pillai (supra)** without noticing the judgments passed in **Ramesh Singh(supra)** and **Irshad Ali (supra)**. Similarly, in **Sombir and others (supra)**, the attention of the court was not drawn to the various other judgments passed by the Supreme Court. In fact, in this case, only a passing observation was made and the aforesaid point was not the issue involved in the case.

“As regards judgment passed in Patiala Improvement Trust through its Chairman's case (supra), the Court noted that in the aforesaid case the execution petition had been allowed by the Executing Court. The aforesaid order was challenged by filing a revision petition. The High Court came to conclusion that the Reference Court has already directed that the revised market rate in the peculiar circumstances of the case shall be universally applicable. In those facts, the court dismissed the revision petition.”

3.16. In **Punjab Small Industries and support corporation (surpa)**, the Coordinate bench relied upon the **A.Viswanatha Pillai (supra)** and **Patiala Improvement Trust (supra)**.

3.17. It may be noted here that in **State of Haryana vs. Jai Dev (supra)**, a coordinate bench, after examining the case law on the point, held that the judgment passed in **A.Viswanatha Pillai** is in the facts of that case and the view taken in **A.Viswanatha Pillai** cannot be uniformly applied. In another judgment passed in **Sham Bihari and others vs. State of Haryana and another 2011 (1) PLR 532**, the Bench after discussing the various judgments including the judgment in **Ajjam Linganna vs. Land Acquisition Officer Revenue Divisional Officer, Nizamabad** (Civil Appeal No.7175-

7179 of 2022, decided on 28.11.2000), has held as under:-

“Having perused judgments passed by the Apex Court as referred herein above, I am of the view that

i) if a reference is made by one of the co-owners specifically mentioning therein that reference is being made on behalf of all, then other co-owners are also entitled for enhanced compensation.

ii) Even if reference is not made specifically on behalf of all the co-owners, however, if reference contained such material like in the case of A. Viswanatha Pillai (supra) that applicant and his co-owners brothers are feeling dis-satisfied from the award then Court can infer that reference was made on behalf of all the co-owners and other co-owners shall also be entitled for the enhanced compensation.

iii) However, if one of the co-owner has made reference on his own behalf without taking any pleading therein that he and other co-owners are feeling dis-satisfied from the award and there is no material before the Court to find out that reference was made on behalf of other co-owners also then other co-owners who had not made reference are not entitled for the enhanced compensation in view of the judgment of the Apex Court in the matter of Ambey Devi (supra).

iv) This Court is also of the view that if reference is made solely on behalf of one co-owner, other co-owners cannot seek impleadment in his reference or in an appeal arising out of the reference, in view of the judgment of the Apex Court in the matter of Ambey Devi (supra), as well as, in the matter of Ajjam Linganna (supra).

v) However, if co-owner wants to seek enhanced compensation can take recourse of Section 28-A of the Act in accordance with law, if other ingredient of Section 28-A are available.”

3.18. As already discussed in **Shamsher Singh's case (supra)**, the Act only provides for two opportunities to the landowners to apply for redetermination. The 1894 Act as well as 2013 Act are complete Code in themselves and are required to be interpreted accordingly by the Court.

3.19. Additionally, both the Acts i.e. the 1894 Act and the 2013 Act do not provide for filing of the execution petitions in absence of an enforceable judgment and decree, in favour of the co-sharer seeking the enhanced amount. In such cases, the provisions of the Code of Civil Procedure, 1908 for the execution of the decree shall be applicable. The Code of Civil Procedure also does not provide for the maintainability of execution petition of a decree in the absence of a judgment. A person, who is not a party to the judgment, can file an execution petition only if he is a legal representative/assignee of the decree holder. Thus, a execution petition cannot be filed straightaway in the absence of an enforceable decree in the favour of party that applies for the execution except under the circumstances hereinbefore mentioned.

3.20. Keeping in view the aforesaid discussion, this court is of the considered view that the argument of the learned counsel representing the landowners that not allowing the execution by other co-sharers amounts to hostile discrimination is not made out. Thus, the co-owner who failed to apply under Section 18 of the 1894 Act, now in absence of a judgment or decree in his/their favour, cannot apply to the Executing Court for the

enforcement of the decree qua him/them which was passed only qua his/their co-sharer who specifically applied for reference under Section 18 of the 1894 Act. Accordingly, Issue No.1 is answered in negative.

ISSUE NO.2.

3.21. The learned counsel representing the parties have brought to the notice of the Bench that in certain cases the Lok Adalat, on the basis of concession given by the officials of Haryana Shehri Vikas Pradhikaran Nigam or Haryana State Industrial and Infrastructure Development Corporation Limited(HSIIDC) or State officials have passed the awards. The learned counsel representing the respondent contends that the aforesaid order has become final and it cannot be interfered with, at this stage.

3.22. The awards passed by the Lok Adalats are given the statutory recognition with the basic aim of settling the disputes amicably, outside the Court, by mutual consent. However, subsequently, power of adjudicating certain disputes was also conferred on the Permanent Lok Adalats. In these cases, the awards are passed by the Lok Adalat and not the Permanent Lok Adalat. The argument of the learned counsel representing the landowners is required to be analyzed from three different perspectives.

3.23. First of all, the matter was referred to the Lok Adalat only on filing of an application by the co-owner who had no judgment/award or order in his favour which could have been enforced by filing the execution petition in his favour. Thus, the filing of the execution petition itself was not maintainable. So any subsequent settlement which resulted in award of the

Lok Adalat is non-est in the eyes of law.

3.24. Secondly, the Haryana Shehri Vikas Pradhikaran Nigam is a creation of statute, namely, the Haryana Urban Development Authority Act, 1977. It is a body corporate. As per Section 3(3), the authority shall consist of a Chairman, a Vice Chairman, a Chief Administrator and such members not exceeding 12 but not less than 6. In a body corporate, there has to be a proper delegation of the powers of the authority in order to enter into a settlement. An official, without the proper delegation of power, cannot enter into a valid settlement. The attention of the court has not been drawn to any such delegation of power. The Haryana State Industrial and Infrastructure Development Corporation Limited(HSIIDC) is also a body corporate. An employee of the body corporate, without proper delegation of power, cannot bind the body corporate.

3.25. Moreover, the statements given while conceding the claim are based on the misconception of law. The concession given on such misconception does not necessarily lead to estoppel, acquiescence or waiver. The landowners have not changed their position or taken any steps in furtherance of the concession given by the officials.

3.26. Moreover, acknowledging the claim of one party does not necessarily lead to a compromise or settlement. This aspect has been examined by the Supreme Court in para 7 of the **State of Punjab and others vs. Phulan Rani and another, (2004) 7 SCC 555**, which is extracted as under:-

*“7. The specific language used in sub-section (3) of **Section 20** makes it clear that the Lok Adalat can dispose of a matter by way of a compromise or settlement between the parties. Two crucial terms in sub-sections*

(3) and (5) of Section 20 are "compromise" and "settlement". The former expression means settlement of differences by mutual concessions. It is an agreement reached by adjustment of conflicting or opposing claims by reciprocal modification of demands. As per Termes de la Ley, "compromise is a mutual promise of two or more parties that are at controversy. As per Bouvier it is "an agreement between two or more persons, who, to avoid a law suit, amicably settle their differences, on such terms as they can agree upon". The word "compromise" implies some element of accommodation on each side. It is not apt to describe total surrender. A compromise is always bilateral and means mutual adjustment. "Settlement" is termination of legal proceedings by mutual consent. The case at hand did not involve compromise or settlement and could not have been disposed of by Lok Adalat. If no compromise or settlement is or could be arrived at, no order can be passed by the Lok Adalat. Therefore, the disposal of the Writ Petition No. 13555/1994 filed by respondent No.1 is clearly impermissible."

3.27 Thus, the Issue No.2 is also answered in negative.

4. Keeping in view the aforesaid discussion, it is declared that the award, if any, passed by Lok Adalat on the Ist issue is held to be without jurisdiction and the settlement, if any, arrived at due to the misconception/misinterpretation of the law, is held to be not binding.

5. Consequently, both the questions are answered in negative and accordingly in favour of HSVP, HSIIDC or the State of Haryana. With these observations, all the revision petitions/writ petition are disposed of.

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

15th September, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO

Sr. No.	Case Number	Petitioner	Respondent
1.	CWP-20911-2022	SURENDER AND OTHERS	STATE OF HARYANA AND OTHERS
2.	CR-394-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD.	OM NARAIN AND ORS
3.	CR-884-2021	BRAHAMJIT DECEASED THROUGH HIS LRS ANJANA AND ORS	STATE OF HARYANA AND OTHERS
4.	CR-1548-2021	SMT.RATNESH AND OTHER	STATE OF HARYANA AND OTHERS
5.	CR-1570-2021	MAHIPAL SINGH (NOW DECEASED) REPRESENTED THR HIS LRS	STATE OF HARYANA AND OTHERS
6.	CR-1724-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	KAMLESH AND OTHERS
7.	CR-1549-2021	MAHIPAL SINGH (NOW DECEASED) THR HIS LRS	STATE OF HARYANA AND OTHERS
8.	CR-3286-2022	HARYANA URBAN DEVELOPMENT AUTHORITY	LEELAWATI THROUGH LRS AND OTHERS
9.	CR-2906-2022	STATE OF PUNJAB AND ANOTHER	BIR SINGH (BAWA BIR SINGH) DECEASED) THR LRS AND OTHERS
10.	CR-2869-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD.	KESHO RAM AND ORS.
11.	CR-1934-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	SMT. PHOOL KAUR AND OTHERS
12.	CR-39-2017	HSIIDC LTD.	SARBATI & ORS
13.	CR-336-2019	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	PARKASH AND OTHERS
14.	CR-3734-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVEL. CORP. LTD.	RAMPHAL AND ORS.
15.	CR-44-2017	HSIIDC LTD.	BABU LAL & ORS
16.	CR-8770-2016	HSIIDC LTD.	PHOOLWATI & ORS
17.	CR-467-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT	SAJJAN BAI @ SAJNA AND ORS.

		CORPORATION LTD.	
18.	CR-879-2017	HSIIDC LTD.	SHER SINGH & ORS
19.	CR-8771-2016	HSIIDC LTD.	SHANTI & ORS
20.	CR-47-2017	HSIIDC LTD.	DHARAMPAL & ORS
21.	CR-487-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	CHANDER SINGH ALIAS CHANDER AND ORS.
22.	CR-16792-2018	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV CORP LTD	ISHWAR SINGH & ORS
23.	CR-337-2019	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	ASHOK KUMAR AND OTHERS
24.	CR-16793-2018	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV CORP LTD	NEETIKA & ORS
25.	CR-340-2019	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	MAKHAN SINGH DECEASED THR LRS AND ORS
26.	CR-341-2019	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	MAN SINGH AND ORS
27.	CR-16789-2018	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	JAI SINGH DECEASED THR LRS & ORS
28.	CR-346-2019	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV CORP LTD	KANWAR SINGH AND ORS
29.	CR-16790-2018	HARYANA INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	LAXMI NARAIN & ORS
30.	CR-3055-2016	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	JOGINDER SINGH & ORS
31.	CR-3056-2016	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	MAHENDER SINGH & ORS
32.	CR-2873-2016	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	AJIT SINGH AND ORS
33.	CR-2872-2016	HARYANA STATE INDUSTRIAL &	MANOHAR LAL AND ORS

		INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	
34.	CR-2138-2016	HARYANA STATE INDUSTRIAL DEVELOPMENT CORP LTD PANCHKULA	RAMESHAR & ORS
35.	CR-2139-2016	HARYANA STATE INDUSTRIAL DEVELOPMENT CORP LTD PANCHKULA	PIRTHI & ORS
36.	CR-2140-2016	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD PANCHKULA	SMT.KANTA & ORS
37.	CR-7455-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP LTD	DALIP SINGH AND ORS DECEASED THOUGH HIS LRS
38.	CR-7481-2017	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	MAKHANSINGH DECEASED THRO LRS AND ORS
39.	CR-7459-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP LTD	KANWAR SINGH & ORS
40.	CR-6827-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	SAVITA AND ORS.
41.	CR-7506-2017	HSIIDC LTD.	MAN SINGH AND ORS
42.	CR-7458-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP LTD	SHER BAHADUR AND ORS
43.	CR-7497-2017	HSIIDC LTD	DEV KARAN AND ORS
44.	CR-7461-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP LTD	UMESH KUMAR AND ORS
45.	CR-5918-2019	THE HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	JASWANT SINGH AND OTHERS
46.	CR-814-2020	RAJENDER SINGH AND ANOTHER	STATE OF HARYANA AND OTHERS
47.	CR-1744-2020	SMT.LEELAWATI (NOW DECEASED) THROUGH HER LRS	THE STATE OF HARYANA THROUGH ITS COLLECTOR AND OTHERS
48.	CR-6239-2019	THE HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE	HARGUM BANI PANNU AND OTHERS

		DEVELOPMENT CORPORATION LIMITED	
49.	CR-6143-2019	THE HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	RAVINDER PANNU AND OTHERS
50.	CR-6127-2019	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT COPORATION LIMITED	CHARANJIT SINGH AND OTHERS
51.	CR-6141-2019	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	HARJIT SINGH AND OTHERS
52.	CR-6123-2019	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT COPORATION LIMITED	POONAM SINGH AND OTHERS
53.	CR-6206-2019	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SMT. AMAR PANNU @ AMAR KAUR (DECEASED) THROUGH LR AND ORS
54.	CR-6238-2019	THE HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	VIJAY PARTAP PANNU AND OTHERS
55.	CR-7821-2016	HSIIDC LTD.	SUNIL KUMAR AND ORS
56.	CR-62-2017	HSIIDC LTD.	MOTI RAM & ORS
57.	CR-274-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	MAHIPAL SINGH AND OTHERS
58.	CR-572-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	GURVINDER SINGH AND OTHERS
59.	CR-507-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	VIDYAWATI AND ORS
60.	CR-793-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	GAURAV CHUGH AND ORS
61.	CR-637-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE	ISHWAR AND ORS

**C.R. No.814 of 2020(O&M)
and other connected cases**

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		DEVELOPMENT CORPORATION LIMITED	
62.	CR-376-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	MAHENDER SINGH AND ORS
63.	CR-708-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SUNITA GUPTA AND OTHERS
64.	CR-545-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	V/S ROHTASH AND ORS
65.	CR-851-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CRPORATION LIMITED	JASWANT DECEASED THROUGH LRS AND ORS
66.	66. CR-1675- 2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	JOGINDER AND OTHERS
67.	CR-1676-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCUTRE DEVELOPMENT CORPORATION LIMITED	RAMPHAL AND OTHERS
68.	CR-1677-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	RAJPAL AND ORS.
69.	CR-391-2021	HSIIDC LTD.	RAMNATH AND ORS
70.	CR-665-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	GURVINDER SINGH AND ORS
71.	CR-2159-2020	RUGHNATH (SINCE DECEASED) THROUGH HIS L.R AND OTHERS	STATE OF HARYANA AND OTHERS
72.	CR-347-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	LAXMAN AND ORS
73.	CR-594-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	ASHOK KUMAR @ ASHOK KUMAR MITTAL AND OTHERS
74.	CR-238-2021	HARYANA STATE INDUSTRIAL AND	MAHIPAL SINGH AND OTHERS

		INFRASTRUCTUE DEVELOPMENT CORPORATION LIMITED	
75.	CR-376-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	RAJENDER SINGH AND OTHERS
76.	CR-117-2022	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION LIMITED	RAJENDER SINGH AND OTHERS
77.	CR-3491-2021	HSIIDC LTD	BIRENDER SINGH DECEASED THROUGH LRS AND OTHERS
78.	CR-1874-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV. CORP. LTD	ANUP SHARMA AND OTHERS
79.	CR-1873-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	SARJEET SINGH SINCE DECEASED THROUGH LRS AND ORS
80.	CR-1399-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	CHAND KAUR AND ORS
81.	CR-3547-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SURJIT SINGH AND OTHERS
82.	CR-2576-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT COPORATION LIMITED	NARAIN SINGH AND ORS
83.	CR-639-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	MAWASI DECEASED THROUGH LRS AND ORS
84.	CR-1445-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	SURENDER KUMAR AND ANR
85.	CR-3489-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPROATION LTD.	SUMER SHAH @ MANGTU AND ORS
86.	CR-1801-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT	SMT.RAMGIRI AND OTHERS

		CORPORATION LIMITED	
87.	CR-411-2022	KRISHNA NAND AND OTHERS	STATE OF HARYANA AND ORS
88.	CR-1863-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	VARINDER SINGH AND OTHERS
89.	CR-2158-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORORATION LTD.	GURVINDER SINGH AND ORS
90.	CR-1857-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	SURAJ MAL AND ORS
91.	CR-403-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD.	BRAHMJIT DECEASED THROUGH LRS AND ORS.
92.	CR-452-2022	HSIIDC LIMITED	MANDEEP SINGH AND OTHERS
93.	CR-867-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.	SMT.MEHMA DEVI AND ORS
94.	CR-473-2022	STATE OF HARYANA AND OTHERS	SMT.SHYAMWATI AND ANOTHER
95.	CR-1401-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	TEJ RAM AND OTHERS
96.	CR-1395-2022	HSIIDC LTD.	LAKHMI CHAND DECEASED THROUGH LRS AND ORS
97.	CR-391-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD.	VIJAY SINGH AND ORS
98.	CR-1555-2022	HARYANA STATE INDUSTRIAL AND DEV. CORP. LTD.	RAM CHANDER AND OTHERS
99.	CR-1558-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD.	ASHWANI KUMAR AND OTHERS
100.	CR-3505-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SMT.SARTI AND OTHERS

101.	CR-462-2022	HSIIDC LIMITED	SMT.CHANDA AND OTHERS
102.	CR-633-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV. CORP. LTD.	TEJRAM AND OTHERS
103.	CR-1871-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEV. CORP. LTD	RUGHNATH AND OTHERS
104.	CR-1385-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	KRISHNA NAND AND ORS
105.	CR-1818-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SMT.SAVITA AND OTHERS
106.	CR-459-2022	HSIIDC LIMITED	RAM SINGH DECEASED THROUGH LRS AND OTHERS
107.	CR-425-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	TARA CHAND SAINI AND OTHERS
108.	CR-3504-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	DHARAM SINGH AND OTHERS
109.	CR-400-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD. V/S	DEEPAK AND ORS
110.	CR-1393-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT ORPORATION LTD.	SMT.RATNESH AND ORS
111.	CR-424-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	ROSHAN LAL AND OTHERS
112.	CR-635-2022	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED	SMT.BIMLA DEVI AND OTHERS
113.	CR-1852-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	JANGSHER SINGH ALIAS SHERJANG AND ORS

114.	CR-1808-2021	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD	JASWANT KAUR AND ORS
115.	CR-794-2021	HARYANA STATE INDUSJTIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S	BIMAL PREET SINGH AND OTHERS

(ANIL KSHETARPAL)
JUDGE