

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CR-7759 of 2014 (O&M)
Date of decision: 15.12.2022

Jagir Singh and others

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shoaib Khan, Advocate
for the petitioners.

Mr. Mr. Harsh Vardhan Shehrawat, AAG, Haryana and
Mr. Jaspal Singh Pannu, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The dispute is with regard to the adjustment of the amount paid by the State of Haryana towards compensation for the involuntary acquisition of the land. A Five Judges Bench of the Supreme Court in **Gurpreet Singh vs. Union of India (2006) 8 SCC 457** has laid down that the landowners who stand deprived of their land are entitled to the adjustment of the payment firstly towards the costs, then towards the interest and lastly towards the principal amount.

In the present case, the Executing Court has held that the interim payment made on 02.12.2005 was liable to be adjusted towards the principal amount as the State of Haryana while depositing the amount had indicated that fact in Form-D.

On the other hand, the learned counsel representing the petitioners has produced the receipt issued by him which clearly notices that the petitioners adjusted the amount firstly towards the costs, then towards the interest and lastly towards the principal.

Once the landowners did not accept the payment towards the principal amount and while indicating that he is adjusting the amount in the manner indicated in the judgment passed in *Gurpreet Singh's case (supra)* , the Executing Court has erred in dismissing the execution petition. It has also been pointed out that the predecessor of the petitioners has received the payment on 02/09.12.2005, whereas notice of Form-D was sent to the predecessor of the petitioners on 29.12.2005.

Keeping in view the aforesaid facts, the impugned order is set aside. The revision petition is allowed.

The parties through their learned counsels are directed to appear before the Executing Court, on 16.01.2023.

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

December 15, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*