

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1412 of 2020

Date of Decision: 15.12.2022

Satbir and Another

... Petitioner(s)

Versus

The Land Acquisition Collector, Urban Estate, Gurugram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Sharma, Advocate
for the petitioner(s).

Mr. Harsh Vardhan Shehrawat, Assistant Advocate General,
Haryana, and Mr. Jaspal Singh Pannu, Assistant Advocate
General, Haryana, for the respondents.

Anil Kshetarpal, J.

1. This revision petition has been filed with a prayer to modify the order dated 08.08.2014 passed by the Additional District Judge, Gurugram.

2. In substance, the petitioners pray for grant of the same market value of the acquired land as assessed by the High Court while deciding the *Regular First Appeal No. 4349 of 2013 on 23.10.2019 titled as "Veer Bhan and Another v. State of Haryana and Others"*.

3. The acquisition of the land has taken place as per the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act"). The petitioners, on receipt of the amount awarded by the Land Acquisition Collector, did not file an application under Section 18 of the

1894 Act. On the request of the various other co-villagers and co-sharers,

the cases were referred to the Reference Court. The Reference Court, vide judgment dated 08.08.2014, has assessed the market value of the acquired land @ ₹1,89,72,000/- per acre. In appeal, the amount of market value of the acquired land was revised to ₹3,19,87,200/- per acre. The petitioners, without filing any application under Section 18 or 28-A of the 1894 Act, filed the execution petition on the ground that they are co-owners of the land. The Executing Court has allowed the execution petition while directing the respondents to pay to the petitioners @ ₹1,89,72,000/- per acre. The petitioners claim that they are entitled to the amount @ ₹3,19,87,200/- per acre. In fact, the execution petition filed by the petitioners itself was not maintainable. Recently, in *Rajender Singh and Another v, State of Haryana and Others (Civil Revision No. 814 of 2020, decided on 15.09.2022)*, this Court, after discussing the various judgments passed by the Supreme Court as well as the High Court, has concluded that unless the co-owners, while filing the claim petition, specifically claim the amount for the various other co-owners as well who did not file any reference under Section 18 of the 1894 Act, no execution petition is maintainable.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

December 15, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No