

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-325 of 2022 (O&M)  
Date of decision: 16.12.2022

Haryana Urban Development Authority Panchkula

..Petitioner

Versus

Santra Devi and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Arvind Seth, Advocate  
for the petitioner.

Mr. Ajay Jain, Advocate, for respondent no.1.

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

**ANIL KSHETARPAL, J(Oral)**

1. The land of Smt. Santra Devi was acquired by the State of Haryana vide the Land Acquisition Collector's award dated 07.12.2006. She did not file any application under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') protesting the amount offered by the Land Acquisition Collector. Various other co-owners and co-villagers filed the applications under Section 18 of the 1894 Act which were referred to the Reference Court. On re-assessment of the market value vide award dated 09.02.2011, the Reference Court enhanced the amount. She filed an execution petition without any order, award, judgment or decree in her favour. She never filed an application under Section 28-A of the 1894 Act. The Executing Court allowed the application on 02.09.2016 directing the State of Haryana to pay the same amount of compensation as assessed in the award dated 09.02.2011.

2. Since, the amount was not paid, she filed another application for the execution of the previous order on 02.01.2018. The Executing Court passed orders on 30.11.2021 and 24.12.2021, directing the State of Haryana to pay the amount.

3. This revision petition has been filed challenging the correctness of the aforesaid 3 orders, namely, 02.09.2016, 30.11.2021 and 24.12.2021, respectively.

4. The attention of the Court has not been drawn to any application filed under Section 18 of the 1894 Act on behalf of Smt. Santra Devi. The various co-owners filed application under Section 18 of the 1894 Act on their behalf. Smt. Santra Devi claims that the aforesaid amount is payable as she is one of the co-sharers. The aforesaid issue has been examined in detail in **Rajender Singh and another vs. State of Haryana and others (Civil Revision No.814 of 2020, decided on 15.09.2022)**.

5. It has been concluded that such execution petition in the absence of award, order or judgment and decree is not maintainable.

6. The learned counsel representing the respondent no.1 submits that this revision petition has been preferred after a period of 6 years particularly when the respondent-State has been seeking time in the execution petition to pay the amount. He draws the attention of the Court to the reply filed by the Land Acquisition Collector on 08.11.2021 and the order passed by the Executing Court on 05.10.2021.

7. The fundamental issue is undisputedly covered by the judgment in **Rajinder Singh's case**.

8. The questions that arise for adjudication are:-

“(1) Whether the delay of 6 years is fatal in the facts and

circumstances of the case?

(2) Whether the State of Haryana is estopped from questioning the same particularly when they sought time for making the payment?”

9. Once the order passed by the Executing Court is without jurisdiction, the delay, if any, would not be of any consequence.

10. As regards the second argument, it may be noticed that Smt. Santra Devi has failed to draw the attention of the Court to any step taken by her in order to change her position on the representation of the State of Haryana.

11. Hence, the rule of estoppel does not have application in the present case.

12. Consequently, the revision petition is allowed. The impugned order is set aside.

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

December 16, 2022  
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(ANIL KSHETARPAL)  
JUDGE

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