

262(1) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DATE OF DECISION: 14.09.2023

1. CR-5-2019

UNION OF INDIA

...PETITIONER

V/S

AMI LAL ALIAS AMIN LAL AND OTHERS

...RESPONDENTS

2. CR-6-2019

UNION OF INDIA

...PETITIONER

V/S

SOHAN LAL AND OTHERS

...RESPONDENTS

3. CR-305-2019

UNION OF INDIA

...PETITIONER

V/S

CHANDERPATI SINCE DECEASED THROUGH HER LRS AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Advocate
for the petitioner(s)-UOI.

None for respondent(s).

HARKESH MANUJA J. (ORAL)

This order of mine shall dispose of above mentioned three revision petitions as the same involve common question of law and facts. For convenience, facts are taken from Civil Revision No.5 of 2019.

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2. By way of present Civil Revision, challenge has been made to an order dated 14.12.2018 passed by the Executing Court-cum-Additional District Judge, Hisar, wherein the petitioner being the judgment-debtor was called upon to submit its list of properties.

3. Briefly stating, the land owned by the private respondents-landowners, situated in village Raipur, Tehsil and District Hisar was acquired vide notifications dated 18.06.1984 and 25.06.1984 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') respectively.

4. The award No.1 dated 01.02.1986 was passed in favour of the landowners. In view thereof, the private respondents-landowners filed reference petition under Section 18 of the Act, which came to be decided vide award dated 28.03.1989.

5. Still aggrieved, the private respondents-landowners approached this Court by way of filing Regular First Appeals which were decided vide judgment dated 09.09.1999 granting enhancement in their favour. The operative part thereof is reproduced hereunder:

“As I have already discussed that the land in question is not as well located as the acquired lands in the revenue estates of villages Alipur and Satrod. Thus, the value of the land of village Satrod has to be treated as the highest, thereafter village Alipur and lastly village Raipur. In other words, the claimants would be entitled to a lesser compensation than the compensation awarded to the claimants in village Alipur or Satrod. There is hardly any direct evidence available on record except the above judicial pronouncements. Having regard to the facts and circumstances of the case and the two judgments referred above, I think the interests of justice would be met if the claimants are awarded compensation in relation to Nehri, Chahi and

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Tal Barani lands at the rate of Rs.40,000/- per acre, while the claimants basing their claim in relation to Banjar Qadim and Tibba lands would be entitled to get Rs.21,000/- per acre. They would also be entitled to receive all the statutory benefits under Sections 23(1-A), 23(2) and 28 of the Act.”

6. The aforesaid decision dated 09.09.1999 passed by this Court was assailed in an Intra-Court appeal by the petitioner, which came to be rejected vide decision dated 04.05.2005 passed in **LPA No.313 of 2004** titled as **Union of India and another Vs. Sat Bir and others**.

7. Based thereupon, the private respondents-landowners filed their execution applications, wherein both the sides furnished their calculations. In the calculations submitted by the petitioner(s), the interest on *solatium* was calculated with effect from 19 September, 2001 i.e. the date of decision in case of **Sunder Vs. Union of India, AIR 2001 SC 3516** and not from the day, when the possession was taken over from the private respondents-landowners.

8. On the other hand, the private respondents-landowners claimed interest on *solatium* from the date of their dispossession while submitting that the decision made by Hon'ble Apex Court in case of **Gurpreet Singh Vs. Union of India 2008 (2) RCR (Civil) Page 207** was not applicable to the facts and circumstances of the present case, as the final determination of issue of market value in the case of respondents-landowners culminated with the decision dated 04.05.2005 passed in **LPA No.313 of 2004** titled as **Union of India and another Vs. Sat Bir and others** whereby, the determination dated 09.09.1999 passed by this Court in Regular First Appeal was upheld and the Later Patent Appeals filed at the instance of petitioner(s)-Union of India were dismissed.

9. During the execution proceedings, the Executing Court vide

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impugned order dated 14.12.2018, directed the petitioner(s)-Union of India/judgment-debtor to furnish list of properties in discharge of its liability against the claims made by the private respondents-landowners qua interest on *solatium* from the date of their dispossession. Aggrieved thereof, the present civil revisions have been filed.

10. I have heard learned counsel for the parties and gone through the paper book. The only grievance raised at the instance of petitioner(s) is that the private respondents-landowners were not entitled for award of interest on *solatium* from the date, when the possession of land under acquisition was taken over from them and rather, the private respondents-landowners were entitled for interest with effect from 19.09.2001 i.e. the date of decision in ***Sunder's case*** (supra).

11. The aforesaid point of law has already been dealt by this Court in case ***Civil Revision No.1497 of 2013*** dated 11.07.2023 in case of ***Union of India and others Vs. Ajaib Singh and others***. Relevant portion thereof is reproduced hereunder:

“It is important to note here that the above proposition was laid down while dealing with the rule of appropriation in execution of money decree in land acquisition matters, thus, the same was in fact only to enlarge the scope of the execution proceedings in a certain way to confer powers upon the Executing Court to grant benefit of interest on solatium in cases where determination on the question of market value and compensation was finally over before the reference Court as well as the Appellate Court. Needless to repeat that the entire discussion in Gurpreet Singh's case (supra) was about cases, wherein the final determination of compensation was over by the time, judgment in Sunder's case (supra) was rendered and the same could not be made applicable to the claims made by the landowners in the cases, where the question of quantum of market value and compensation was

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*pending, but determined finally, post decision in the case of Sunder’s (supra),
by reading and applying the text from the judgment in case of Gurpreet
Singh’s (supra) in absolute terms as a statute; rather than reading the point
of law it lays down by reference to the issue involved.”*

12. In the present case as well, the culmination of proceedings qua the determination of compensation resulted with the passing of the order dated 04.05.2005 in **L.P.A. No.313 of 2004** titled as **Union of India and another versus Satbir and other** which goes beyond the date of decision in **Sunder’s case (supra)** and therefore, the rights of the private respondents-landowners qua the payment of interest from the date when the possession was taken over from them by the petitioner(s) could not be curtailed and restricted with effect from 19.09.2001 i.e. the date of passing of judgment in **Sunder’s case (supra)**.

13. In view of the discussion made hereinabove, the present civil revision petitions are dismissed.

14. Pending application(s), if any, stand(s) disposed of.

14.09.2023
manisha

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No