

104+235 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2714-2015 (O&M)
Decided on:-02.08.2023

Jagjit Singh @ Jagjeet Singh (deceased) thr. his LRsPetitioner...

VS.

Union of IndiaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M.L. Sharma, Advocate,
for the petitioner.

Mr. V.K. Kaushal, Advocate,
for the respondent.

HARKESH MANUJA J. (Oral)

CM-13427-CII-2023

Prayer in the present application is for impleading the legal representatives of petitioner-Jagjit Singh @ Jagjeet Singh.

Notice of the application.

Mr. V.K. Kaushal, Advocate accepts notice on behalf of the non-applicant-respondent and raises no objection to the application.

For the reasons mentioned in the application which is duly supported by an affidavit, same is allowed and persons mentioned in para 2 of the application are ordered to be impleaded as legal representatives of petitioner, for the purpose of pursuing the present revision petition.

Amended memo of parties is taken on record.

CM-13430-CII-2023

Prayer in this application is for placing on record reply on behalf

of the petitioner to the affidavit dated 23.08.2019 filed by respondent.

Application is allowed as prayed for. Reply to the affidavit dated 23.08.2019 is taken on record.

Main case

1. By way of present revision petition challenge has been laid to an order dated 04.09.2014 passed by the Executing Court-cum-Additional District Judge, Bathinda, whereby, the petitioner has been directed to refund a sum of Rs.10,93,238.35/- along with interest @ 7% per annum.
2. Briefly stating, the land owned by the petitioner, situated in the revenue estate of Village Bhucho Khurd, Tehsil and District Bathinda, was acquired, wherein, award under Section 11 of the Land Acquisition Act, 1894 (for short, "1894 Act") was passed on 30.03.1981 and the market value of the land was determined at the rate of Rs.22,000/- per acre.
3. Aggrieved thereof, petitioner filed reference under Section 18 of the 1894 Act, which was decided on 06.11.1985 by the learned Additional District Judge, Bathinda and the market value of the land was assessed at the rate of Rs.27,305/- per acre for 'nehri land" and Rs.32,770/- per acre for the land abutting on both sides of the road up-to the depth of 250 meters.
4. Still aggrieved, petitioner filed appeal before this Court, which came to be decided on 21.05.1987 and the market value of the land was determined at the rate of Rs.70,000/- per acre besides other benefits. The judgment dated 21.05.1987 passed in ***RFA No.1582-1986***, was challenged by the petitioner by way of inter-court appeal, which was decided on 30.01.1989 in ***LPA No.978 of 1987***, titled as ***"Jagjit Singh vs. Union of India and others"***, whereby the market value of the land was assessed @

90,000/- per acre.

5. Based thereupon, petitioner filed execution application, wherein, deposits of compensation were made by respondent on 01.10.1990 and 22.03.1993. The amount of compensation was withdrawn by the petitioner on 20.03.1991. After a while, an application came to be filed at the instance of respondent before the Executing Court seeking restitution and refund alleging payment of excess amount to the petitioner. The Executing Court vide order dated 04.09.2014 allowed the same, directing the petitioner to refund a sum of Rs.10,93,238.35/- along with interest @ 7% per annum from the date of filing the application till its realization.

6. Impugning the aforesaid order, learned counsel for the petitioner submits that while disposing of the application filed at the instance of respondent, the learned Executing Court failed to take into consideration the determination/enhancement made by this Court in LPA No.987 of 1987 decided on 30.01.1989, whereby the market value of the acquired land was assessed at the rate of Rs.90,000/- per acre and thus, the order was unsustainable in the eyes of law.

7. On the other hand, learned counsel representing the respondent has not been able to controvert that the judgment dated 30.01.1989 passed by this Court in LPA No.987 of 1987 granting further enhancement of compensation was ever referred or dealt with by the learned Executing Court while passing the impugned order.

8. I have heard learned counsel for the parties and gone through the record, I find substance in the submissions made on behalf of the petitioner.

9. In view of the above, the matter is remanded to the learned

Executing Court-cum-Additional District Judge, Bathinda to re-decide the application filed at the instance of respondent after considering the judgment dated 30.01.1989 passed in LPA No.987 of 1987, titled as ***“Jagjit Singh vs. Union of India and others”***, whereby the amount of compensation was enhanced at the rate of Rs.90,000/- per acre, besides other benefits, upon furnishing of fresh calculations by the respective parties before the Executing Court.

10. Considering the fact that the restitution application is pending for almost 20 years now, the Executing Court is requested to dispose of the same preferably within a period of 6 months from today.

11. Accordingly, the present petition is disposed of in view of the aforesaid terms.

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

02.08.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No