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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4426-2017 (O&M)
Decided on:-17.10.2023

Union of India

....Petitioner.

vs.

Jit Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Senior Govt. Counsel
for the petitioner.

Mr. Naresh Kaushal, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 26.05.2017 passed by the Executing Court-cum-Additional District Judge, Kapurthala, whereby respondent-landowner was held entitled for grant of compensation @ Rs.377.30 paise per tree against the acquisition of his land.

2. Briefly stating, certain land owned by the respondent-landowner, falling within the revenue estate of village Dhudianwala, Kapurthala came to be acquired vide notifications dated 24.09.1885 and 11.11.1985, issued under Sections 4 and 6 respectively, of the Land Acquisition Act, 1894 (herein after referred to as "1894 Act), followed by an award dated 22.01.1986, whereby, in addition to the market value assessed qua the acquired land, compensation @ Rs.116.77 paise per tree was

awarded in their favour.

3. Aggrieved thereof, the respondent-landowner invoked reference under Section 18 of the 1894 Act, which came to be decided on 03.04.2002 (in second round of litigation), whereby the compensation was enhanced to Rs.377.30 paise per tree.

4. The aforementioned Reference Court award dated 03.04.2002, was assailed at the instance of petitioner as well as the respondent-landowner by way of filing RFA-1594-2002 and RFA-3114-2002, respectively. Vide judgment dated 26.07.2010, the appeal filed by the Union of India was accepted, whereas the appeal filed at the instance of respondent-landowner was dismissed, resultantly, the compensation as awarded by the Land Acquisition Collector came to be restored.

5. The judgment dated 26.07.2010, passed by this Court was challenged at the instance of private respondent-landowner before the Hon'ble Apex Court, by way of Civil Appeal No(s).9067-9082 of 2013, titled as ***“Charan Singh & another etc. vs. Land Acquisition Collector Industries Department and another., etc.”***, which was decided on 27.06.2018. Those were accepted while setting aside the judgment dated 26.07.2010 passed by this Court, thereby restoring the award dated 03.04.2002 passed by the Reference Court, vide which, the compensation qua trees for the acquired land was assessed @ Rs.377.30 paise per tree.

6. During the pendency of the matter before the Hon'ble Apex Court, the respondent-landowner filed execution application, wherein an objection was raised at the instance of petitioner as regards the release of amount of compensation towards the standing trees. The said objection petition was declined vide impugned order dated 26.05.2017 and same has

been challenged in the present revision petition.

7. I have heard learned counsel for the parties and gone through the paper book as well as the decision dated 27.06.2018 passed by the Hon'ble Apex Court in Civil Appeal No(s).9067-9082 of 2013. The relevant portion thereof is reproduced here under for reference:-

“In our opinion, taking into consideration the overall evidence that had been adduced, the High Court has erred in discarding the comparable sale evidence that were executed before the date of notification under Section 4 of the Act on untenable grounds. Considering the facts and circumstances of the case for the villages in question, in our opinion, it would be appropriate to award compensation to the appellant-landowners at the rate of Rs.46,829/- along with statutory benefits. Thus, we set aside the judgment and order passed by the High Court and award the compensation uniformly at the rate of Rs.46,829/- per acre along with statutory benefits for the land acquired.

Accordingly, we allow these appeals and set aside the judgment and order passed by the High Court. Let the compensation be paid, if it has not been paid, to the appellants within a period of three months. No order as to costs.”

8. Once, the judgment passed by this Court has been set aside by the Hon'ble Apex Court, thereby, restoring the award dated 03.04.2002 passed by the Reference Court and the amount of compensation @ Rs.377.30 paise per tree has been upheld, the respondents-landowners are entitled for release of the same as the determination of compensation qua tree has attained finality and the objection made by the petitioner does not survive.

9. In view of the above discussion, finding no merit in the present revision petition and there being no illegality or perversity with the findings

recorded by the Reference Court, the present revision petition is dismissed.

10. Pending application, if any, stands disposed of.

17.10.2023
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(HARKESH MANUJA)
JUDGE

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