

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121

2023:PHHC:154887

CR-509-2015

Date of decision: 05.12.2023

IMPROVEMENT TRUST KHANNA & ANR

..Petitioners

Versus

JAGJIT SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.P.S. Mann, Advocate
for the petitioners.

Mr. Yugank Goyal, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. On 17.11.2023, the following order was passed:-

“The learned counsel representing the petitioners submits that there is a subsequent development during the pendency of the revision petition. He submits that the civil appeals filed by the landowners have been partly allowed by the Supreme Court enhancing the compensation from Rs.39/- per square yard to Rs.50 per square yard for the entire land. He submits that however, the Executing Court has failed to determine the following two questions:-

(1) Whether the interest on the amount of solatium as payable under Section 23(2) of the Land Acquisition Act, 1894, was awarded by the courts.

(2) Whether such interest is payable from the date the judgment was passed in by the Supreme Court, on 19.09.2001 in Sunder vs. Union of India (Appeal (Civil) 6271 of 1998).

Sh. O.P. Goyal, the learned senior counsel representing the respondents prays for a short accommodation to examine the matter.

Adjourned to 05.12.2023.

To be listed in the urgent list.”

2. The learned counsel representing the parties are *ad idem* that the impugned order passed by the Executing Court on 25.11.2014, be set aside while requesting the Executing Court to pass a fresh order in view of the

subsequent developments with regard to the reassessment of the market value of the acquired land as well as the recent judgments of the Courts.

3. In view of the aforesaid, the impugned order is set aside while requesting the Executing Court to decide the matter afresh, within a period of four months, from today, positively.

4. Consequently, order dated 03.01.2015 (Annexure P-7), attaching the property of the petitioner shall be kept in abeyance till the matter is decided afresh by the Executing Court.

5. Disposed of accordingly.

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

December 05th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*