

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(242) CR No.4684 of 2018 (O&M)
Date of Decision: 25.07.2023

1. Union of IndiaPetitioner
Versus
Shabag Singh deceased through his LRs and others.....Respondent

CR No.4685 of 2018

2. Union of IndiaPetitioner
Versus
Swaran Singh & Ors.Respondent

CR No.4693 of 2018

3. Union of IndiaPetitioner
Versus
Varinder Singh and othersRespondent

CR No.4694 of 2018

4. Union of IndiaPetitioner
Versus
Buta Singh and othersRespondents

CR No.4695 of 2018

5. Union of IndiaPetitioner
Versus
Shingara Singh Deceased through his LRsRespondent

CR No.4733 of 2018

6. Union of IndiaPetitioner
Versus
Swaran Singh and othersRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Arun Gosain, Senior Central Govt. Counsel, for the petitioner(s).
None for the respondents.

HARKESH MANUJA, J.(ORAL)

1. This order of mine shall dispose of above mentioned 6 revision petitions wherein similar facts and controversy are involved. For reference, facts are taken from CR No.4684 of 2018 (O&M).
2. By way of present revision petition, challenge has been made to the order dated 31.05.2014 passed by the Executing Court-cum-Additional District Judge, Amritsar, whereby, objections filed at the instance of petitioner in the execution filed at the instance of respondents/land owners/decreed holders were dismissed.
3. In the present case, land owned by the respondents, situated in the revenue estate of Village Wadala Bhattewid, District Amritsar, came to be acquired vide notifications dated 26.04.1978 and 17.03.1981 issued under Section 4 and 6 of the Land Acquisition Act, 1894, respectively (hereinafter referred to as “the Act”) Award under Section 11 of the Act was announced on 22.06.1993.
4. Aggrieved against the same, respondents/land-owners filed reference petition under Section 18 of the Act which came to be decided on 17.01.2003. The operative portion thereof is reproduced hereunder:

19.....As proceedings for acquisition were initiated after the prescribed date of 30.04.1982, the applicants are also held entitled to addition in the value of land of assessed at Rs.40,000/- per acre at the rate of 12 per cent per annum (in terms of Section 23(1-A) of the Act for the period beginning from 5.5.1978 (the date of publication of notice u/s 4 of the Land Acquisition Act, 1894) till the date of award passed by the Collector. The applicants are also held entitled under Section 23(2) ibid to solatium at the rate of 30% in addition to the market value of Rs.40,000/- as assessed above. The applicants are also held entitled to interest under section 28 of the Act No.1 of 1894 as amended upto date at the rate of 9% per annum, over the

difference between the compensation assessed by the Collector and by this Court from the date on which possession of the land was taken, for the first year since the taking over of possession and thereafter at the rate of 15% per annum till the date of payments under this award. The references are answered accordingly. Cost of each award is assessed at Rs.500/- payable to the Collector. A copy of this award be placed on the files of consolidated references and this file be consigned to records.”

Based thereupon, the respondents/land-owners filed their execution application wherein, objections were raised at the instance of petitioner while submitting that the land-owners were not entitled for grant of interest on solatium as well as additional amount as awarded under Sections 23(1-A) & 23(2) of the Act. The aforesaid objections came to be dismissed by the Executing Court vide order dated 31.05.2014 which has now been impugned by way of present revision petition.

5. Relying upon the decision made by Hon’ble Supreme Court in case of **Gurpreet Singh Vs. Union of India, 2008(2) RCR (Civil) 207**, learned counsel for the petitioner submits that in the absence of there being any specific grant of interest on solatium, the Executing Court was not competent to award the said relief in favour of respondent/land-owners.

6. No one has chosen to appear on behalf of respondents.

7. I have heard learned counsel for the petitioner and have gone through the paper book. I am unable to find any substance in the submissions made on behalf of petitioner.

8. In the present case, though the acquisition proceedings commenced in the year 1978, however, determination of market value was finally done by the Reference Court vide its Award dated 17.01.2003 i.e. post decision in case of **Sunder Singh Vs. Union of India, 2001(4) RCR (Civil) 727**, and as such, the date of decision of **Sunder’s Case (Supra)** i.e.19.09.2001 has got no

relevance in the facts and circumstances of the present case as regards claim of respondents/land-owners qua interest on solatium and it cannot be restricted in terms of decision in **Gurpreet Singh’s case (supra)**.

9. The aforesaid point of law has already been dealt with by this Court in case of **Civil Revision No.1497 of 2013** titled **Union of India Vs. Ajaib Singh and others** decided on 11.07.2023.

10. Moreover, a perusal of the Award dated 17.01.2003 passed by the Reference Court shows that the land-owners/respondents were specifically awarded interest in accordance with Section 28 of the Act and thus, once the respondents/land-owners were specifically held entitled for grant of interest under Section 28 of the Act, the plea raised by the petitioner cannot be sustained.

11. Accordingly, the impugned order dated 31.05.2014 (Annexure P-2) passed by the Executing Court warrants no interference, as such, finding no merits therein, the present revision petition is dismissed.

12. All pending applications stands disposed of.

(HARKESH MANUJA)
JUDGE

25.07.2023
anil

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