

204 (10 cases)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

- (1)

Civil Revision No. 5424 of 2018 (O&M)
Date of Decision: 04.10.2023
- Union of India

..... Petitioner
- Ram Singh and others

..... Respondents
- (2)

Civil Revision No. 5425 of 2018 (O&M)
- Union of India

..... Petitioner
- Narinder Singh and others

..... Respondents
- (3)

Civil Revision No. 5426 of 2018 (O&M)
- Union of India

..... Petitioner
- Gurdial Singh (deceased) through his LR's and others

..... Respondents
- (4)

Civil Revision No. 5427 of 2018 (O&M)
- Union of India

..... Petitioner
- Gulzar Singh (deceased) through his LR's and others

..... Respondents
- (5)

Civil Revision No. 5430 of 2018 (O&M)
- Union of India

..... Petitioner
- Amolak Singh (deceased) through his LR's and others

..... Respondents

- (6)

Civil Revision No. 5822 of 2018 (O&M)
- Union of India

..... Petitioner
- Versus
- Bachan Singh (deceased) through his LRs and others

..... Respondents
- (7)

Civil Revision No. 6984 of 2018 (O&M)
- Union of India

..... Petitioner
- Versus
- Kundan Singh (deceased) through LRs and others

..... Respondents
- (8)

Civil Revision No. 6985 of 2018 (O&M)
- Union of India

..... Petitioner
- Versus
- Sohan Singh (since died) through his LRs and others

..... Respondents
- (9)

Civil Revision No. 6986 of 2018 (O&M)
- Union of India

..... Petitioner
- Versus
- Maluk Singh (died) through his LR and others

..... Respondents
- (10)

Civil Revision No. 7196 of 2018 (O&M)
- Union of India

..... Petitioner
- Versus
- Makhan Singh (deceased) through LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Sr. Govt. Counsel and
Ms. Swati Arora, Advocate
for the petitioner(s)-Union of India (in all cases).

Mr. Rajinder Sharma, Advocate and
Mr. Mridul Sharma, Advocate,
for the private respondent(s) / landowner(s).
(in CR Nos. 5424 to 5427 & 5822 of 2018)

Mr. Sukhdeep Singh, Advocate for
Mr. H.S. Taragarh, Advocate
for respondent No. 1 / landowner(s) (in CR No. 7196 of 2018)

Mr. Athar Ahmed, Deputy Advocate General, Punjab

HARKESH MANUJA, J.

CM No. 22948-CII of 2019 in CR No. 5424 of 2018

Prayer in the present application under Order 22 Rule 4
CPC moved on behalf of applicant-respondent No. 2 (Khazan Singh) is
for bringing on record his legal representatives, as he died on
29.12.2015.

Notice of the application stood issued on 15.11.2019.

Learned counsel for the non-applicant(s) / petitioner(s) –
UOI raises no objection against the prayer made in the application.

In view of the above as well as contents of the application,
the same is **allowed** and the applicants mentioned in para-2 of the
application are ordered to be brought on record as legal representatives
of the above respondent.

Amended memo of parties is taken on record.

Registry to do the needful.

MAIN CASE(S)

This order of mine shall dispose of above-mentioned ten (10) revision petitions, wherein similar facts and controversy are involved. For reference, facts are being taken from CR No. 5424 of 2018.

[2] In CR No. 5424 of 2018, challenge has been made to the order dated 11.02.2014 (**Annexure P-1**) 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 / landowners / decree-holders, were dismissed.

[3] Briefly, the facts are that the land owned by the private respondents, situated in the revenue estate of Village Wadala Bhittewadh, District Amritsar, came to be acquired vide Notifications dated 26.04.1978 and 27.03.1981 issued under Section 4 and 6 of the Land Acquisition Act, 1894, (hereinafter to be referred as "the Act") respectively, and Award under Section 11 of the Act was announced on 22.06.1983 by Special Land Acquisition Collector, Amritsar (for short "LAC"). Aggrieved against the same, respondents/landowners 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."

[4] Based upon the above, the respondents / landowners filed their execution application(s), wherein objections were raised at the instance of petitioner while submitting that the landowners 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 11.02.2014 (P-1), which has now been impugned by way of present revision petition.

[5] Learned counsel for the petitioner-UOI, while relying upon the decision made by Hon'ble Supreme Court in case of ***Gurpreet Singh Versus Union of India, 2008(2) RCR (Civil) 207***, 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 respondents/landowners.

[6] I have heard learned counsel for the parties and gone through the paper book. I am unable to find any substance in the submissions made on behalf of petitioner – Union of India.

[7] 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 Versus 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/landowners *qua* interest on solatium and it cannot be restricted in terms of decision in ***Gurpreet Singh’s case (supra)***.

[8] 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 Versus Ajai Singh and others***”, decided on 11.07.2023.

Relevant para-14 thereof is re-produced hereunder:-

“ **14.**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 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.”

[9] In view of the above, the impugned order dated 11.02.2014 (P-1) passed by the Executing Court warrants no interference, as such, finding no merits, the present revision petition is **dismissed**, and accordingly, the other connected cases are also dismissed in the above terms.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

October 04, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No