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

CR-6907-2017
Decided on:-07.08.2023

Union of India ....Petitioner

vs.

Basant Singh (since deceased) thr. LRs and others ....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Senior Panel Counsel with
Ms. Swati, Advocate for the petitioner.

Ms. Sangita Dhanda, Advocate for respondent No.1(i).

Mr. Navneet Singh, Sr. DAG, Punjab
for respondents No.2 and 3.
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HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to the orders dated 21.12.2015 and 19.10.2016 passed by the Court of learned Additional District Judge, Amritsar-cum-Executing Court.

2. Briefly stating, the land owned by the private respondents situated in the revenue estate of Village Kathina, District Amritsar was acquired vide notifications dated 11.07.1977 and 19.07.1980, issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), followed by an award dated 28.06.1983.

3. Aggrieved thereof, private respondent(s) filed reference under Section 18 of the 1894 Act, which was decided on 21.05.1993 by the learned Additional District Judge, Amritsar. Still Aggrieved, the landowners filed

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regular first appeal, which was decided by this Court on 25.08.2010. Based thereupon, the respondents-landowners filed execution application, wherein objections were filed at the instance of petitioner-UOI as regards the same being barred by limitation as well as objecting to award of interest on solatium in favour of the landowners. The Executing Court vide order dated 21.12.2015, rejected the objections filed by the petitioner-UOI.

4. Assailing the above mentioned order, the present revision petition has been filed by placing reliance upon the judgment of Hon'ble Supreme Court in case "***Gurpreet Singh vs. Union of India, 2006 AIR SCW 5813***".

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

6. In view of the fact that the final determination of market value of the land in the present acquisition was made by this Court on 25.08.2010 in RFA-2581-1993, which clearly goes much beyond the date of decision in case of "***Sunder vs. Union of India", AIR 2001 SC 3516*** and thus, in view of the decision dated 11.07.2023 passed in CR-1497-2013, titled as ***"Union of India and another vs. Ajaib Singh and others"***, the proposition of law laid down by the Hon'ble Supreme Court in ***Gurpreet Singh's*** (supra) was not applicable to the facts and circumstances of the present case. Relevant portion of para 14 of ***Ajaib Singh's case*** (supra), is reproduced hereunder for reference:-

> *"xxxx 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*

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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. xxx"

7. Accordingly, in view of the discussion made hereinabove, the present petition is hereby dismissed.

07.08.2023 **(HARKESH MANUJA)**
sonika **JUDGE**

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

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