

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

(219)**CR No.8346 of 2016****Date of Decision: 07.08.2023**

Punjab State Power Corporation Limited and anotherPetitioners
Versus

Sarwan Singh (deceased) through LRs and othersRespondents

CR No.8347 of 2016

Punjab State Power Corporation Limited and anotherPetitioners
Versus

Mewa Singh (deceased) through LRs Tehal Singh and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Gupta, Advocate, for the petitioners.

Mr. G. S. Bhatia, Advocate, for the respondents.

HARKESH MANUJA, J.(ORAL)

1. The aforementioned two revision petitions are being disposed of vide this common order as the same involve common question of law. For convenience, facts are taken from Civil Revision No.8346 of 2016.

2. Briefly stating, land owned by the private respondents situated in village- Kup, Tehsil Malerkotla, District Sangrur, was sought to be acquired vide notification dated 13.03.1985 issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"). The award under Section 11 of the Act was passed by the Land Acquisition Collector on 15.10.1986 whereby, the market value of the land was assessed at the rate of Rs.31,000/- per Acre.

3. Being dissatisfied, respondents/landowners invoked reference under Section 18 of Act which came to be decided on 20.02.1991 and the market value of the land was determined @ Rs.12,500/- per Bigha. Still aggrieved, the landowners approached this Court by filing RFA which came

up for hearing on 27.08.2012 and the market value of the land was assessed @ Rs.24,000/- per Bigha. Based thereupon, the respondents/landowners filed execution petitions wherein, a dispute was raised at the instance of petitioners that in the absence of any specific mention about the award of interest on solatium by the Reference Court or this Court, the respondents/landowners were not entitled for award of interest on solatium. The objections raised by the petitioners were dismissed by the Executing Court vide order dated 07.09.2016 which has now been impugned by way of present revision petitions.

4. Relying upon the decision made by the Hon'ble Supreme Court in case of **Gurpreet Singh Vs. Union of India, 2006(8) SCC 457**, learned counsel for the petitioners submits that in the absence of there being any specific mention about award of interest on solatium, the executing Court is debarred from granting the same in favour of the land owners. He also places reliance upon latest decision made by Hon'ble Supreme Court in case of **Central Govt. of India Vs. Raj Devi alias Raj Kumari and Anr**, passed in **Civil Appeal No.4623 of 2021**.

5. On the other hand, learned counsel for respondents/land owners submits that the exposition of law made by the Hon'ble Supreme court in case of **Gurpreet Singh's case (Supra) as well as Raj Devi's case (supra)**, cannot be made applicable to the facts and circumstances of the present case as the final determination of compensation in favour of the land owners was made by this Court vide judgment dated 22.08.2012 which was much after the decision made in case of **Sunder Vs. Union of India, 2007(1) SCC 211**.

6. I have heard learned counsel for the parties and gone through the paper book as well as law cited at bar. I am unable to find any substance in

7. Once the final determination of market value of the land was made in favour of petitioners/land owners on 22.08.2012 which was much after the decision in **Sunder's Case (Supra)**, the observations made by the Hon'ble Supreme Court in the case of **Gurpreet Singh (Supra)** do not apply. Moreover, this issue already stands adjudicated upon by the Court vide judgment dated 11.07.2023 passed in **Civil Revision No.1497 of 2013** titled as **Union of India Vs. Ajaib Singh and others**. Relevant portion thereof is reproduced hereunder:

“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 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 statue; rather than reading the point of law it lays down by reference to the issue involved”*

8 In view of the observations made hereinabove, finding no merits
in the present revision petitions, the same are hereby dismissed.

(HARKESH MANUJA)
JUDGE

07.08.2023
anil

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