

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202) **CR No.1580 of 2022 (O&M)**
Date of Decision: 28.07.2023

1.
Union of IndiaPetitioner

Versus

Dharam Paul @ Dharam Pal and othersRespondents

2. **CR No.1581 of 2022 (O&M)**
Union of IndiaPetitioner

Versus

Roda Singh and othersRespondents

3. **CR No.1582 of 2022 (O&M)**
Union of India ...Petitioner

Versus

Nihal Kaur through LRs Roda Singh and others ...Respondents

4. **CR No.1583 of 2022 (O&M)**
Union of IndiaPetitioner

Versus

Roda Singh and othersRespondents

5. **CR No.1584 of 2022 (O&M)**
Union of IndiaPetitioner

Versus

Raj Kumar and othersRespondents

6. **CR No.1585 of 2022 (O&M)**
Union of IndiaPetitioner

Versus

Rani and othersRespondents

7. CR No.1586 of 2022 (O&M)

Union of IndiaPetitioner

Versus

Roda Singh and othersRespondents

8. CR No.1659 of 2022 (O&M)

Union of IndiaPetitioner

Versus

Nihal Kaur and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Kumar Sharma, Advocate, for the petitioner.

Mr. Sanjiv Gupta, Advocate, with
Mr. Rakesh Gupta, Advocate, for respondent Nos.1 & 2.

HARKESH MANUJA, J.(ORAL)

1. This order of mine shall dispose of above mentioned 8 revision petitions wherein similar facts and controversy are involved. For reference, facts are taken from CR No.1580 of 2022 (O&M).

2. By way of present revision petition, challenge has been made to an order dated 23.03.2022 (Annexure P-4) passed by the Executing Court-cum-Additional District Judge, Patiala, whereby, warrants of attachment of property were issued against the petitioner.

3. Briefly stating, the land owned by the respondents was sought to be acquired vide notification dated 16.04.1988, issued under Section 4 of the Land Acquisition Act (hereinafter referred to as “the Act”) later, followed by notification under Section 6, award under Section 11 of the Act was passed on 27.03.1991. Being dissatisfied, the respondents invoked Section 18 of the Act, by way of reference seeking enhancement of compensation. References filed by different land owners were decided by the reference Court vide two

different awards dated 16.04.1998 and 15.05.1998.

4. Still aggrieved, the respondents/landowners filed first appeal before this Court which came to be decided on 01.04.1999, awarding uniform rate of Rs.4, 48,159/- per acre, in favour of land owners, besides, granting other statutory benefits. Intra Court Appeal against the said judgment was filed at the instance of respondents/landowners which came to be decided on 25.02.2005 vide LPA No.1110 of 1999 and a marginal increase towards the market value was awarded in favour of respondents/land owners by enhancing the compensation to Rs.4,54,662/- per acre besides grant of other statutory benefits.

5. The petitioner herein approached the Hon'ble Apex Court and the matter was finally concluded vide judgment dated 09.09.2014 while dismissing the **Civil Appeals No.7314-7365 of 2005 titled Union of India Vs. Raj Kumar Baghal Singh (Dead)through LRs & Ors.**

6. Based on the aforesaid increase being the final determination of market value/compensation in favour of respondent/land-owners which got determined vide judgment dated 25.02.2005 passed by this Court in LPA No.1110 of 1999, later affirmed vide judgment dated 09.09.2014 passed by the Hon'ble Supreme Court of India in Civil Appeals No.7314-7365 of 2005, land owners filed their execution applications. During its pendency, the trial Court in furtherance of the execution proceedings issued warrants of attachment of the property owned by the petitioner herein vide its order 23.03.2022.

7. By way of present revision petition, the aforesaid order passed by the Executing Court-cum-Additional District Judge, Patiala, has been impugned while submitting that no specific award of interest on solatium has ever been ruled in favour of the respondents/land-owners and thus, they all

entitled for grant of interest on solatium w.e.f. 19.09.2001 only i.e. the date when the decision in the case of **Sunder Vs. Union of India, (2001) 7 SCC 211**. For the said purpose, reliance has also been placed upon the decision of Hon'ble Supreme Court in **Gurpreet Singh Vs. Union Of India, (2006) 8 SCC 457** as well as decision dated 02.03.2023 passed by this Court in **CR No.1580 of 2021 in case of Union of India Vs. Charandas and others**.

8. On the other hand learned counsel for the respondents/land-owners has placed reliance upon the judgments of Hon'ble Supreme Court in cases of **Bhanushankar Oghadbhai Mehta (D) by LRs vs. Gujarat Industrial Development Corporation Limited and Anr., 2018 (3) SCC 722** and **Land Acquisition Officer and Assistant Commissioner and another Vs. Shivappa Mallappa Jigalur and others, 2010 (12)SCC 387** as well as a decision dated 11.07.2023 passed by this Court in **Civil Revision No.1497 of 2013 titled as Union of India Vs. Ajaib Singh and others**, to contend that once the final determination of market value/compensation was made in favour of respondents/land-owners, post decision in **Sunder's case (supra)**, their right to get interest on solatium could not have been restricted w.e.f. 19.09.2021 and the exposition of law made by the Hon'ble Supreme Court in case of **Gurpreet Singh's case (supra)** was not applicable.

9. I have heard learned counsel for the parties and gone through the paper-book. A perusal of the records shows that in the present case, the final determination as regards the amount of market value/compensation was made in favour of respondents/land-owners by this Court vide judgment dated 25.02.2005 passed in LPA No.1110 of 1999 which was later upheld by Hon'ble Supreme Court vide its judgment dated 09.09.2014 passed in Civil Appeal No.7314-7365 of 2005 which was much after the decision in **Sunder's case (supra)** thus, the restriction of Award of interest in favour of land owners

w.e.f. 19.09.2001 as held in case of **Gurpreet Singh's case (supra)** was not applicable. A detailed discussion on this aspect has already been made by this 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**, the 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”*

10. Moreover, in the present facts and circumstances of the case, the decision made by this Court on 02.03.2023 in **Civil Revision No.1580 of 2021 titled as Union Of India Vs. Charandas and others**, relying upon judgment passed in **Civil Appeal No. 4623 of 2021 titled as Central Government of India Vs. Raj Devi alias Raj Kumari and others** cannot be made applicable as in both the said cases i.e **Charandas's case (supra)** and **Raj Devi @ Raj Kumari (supra)**, previous decision rendered by Hon'ble Supreme Court

carrying detailed discussion on the same point of law in cases of **Bhanushankar Oghadbhai Mehta (supra)** and **Shivappa Mallappa Jigalur’s case (supra)** were neither brought to the notice of the Courts nor distinguished. This Court even finds support from the decision of Hon’ble Apex Court in case of “**Atma Ram Vs. State of Punjab reported as 1959 AIR (SC) 519**, while relying upon the previous and constant view expressed in **Bhanushankar’s case (supra)** and **Shivappa Mallappa Jigalur’s case (supra)**.

Therefore, finding no merits in the present revision petitions, same are thus, dismissed.

11. Finally, the land in the present case was acquired way back in the year 1988 and even after the expiry of 35 years, the respondents/land-owners are before Courts fighting for payment of dues qua the determination made in their favour by this Court way back in the year 2005 Executing Court is requested to dispose of the execution proceedings within six months from today.

(HARKESH MANUJA)
JUDGE

28.07.2023
anil

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