

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

270

CR-3376-2023

Decided on : 21.11.2023

Banarsi Dass (Since deceased) through her LRs and others

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**PRESENT:** Mr. Akshay Kumar Jindal, Advocate
for the petitioners.

Mr. Arun Beniwal, Sr. DAG, Haryana.

Mr. J. S. Bedi, Advocate
for respondent No. 3.

HARKESH MANUJA, J.

1. By way of present revision petition, challenge has been made to the order dated 01.10.2022 passed by the Executing Court, Kurukshetra whereby the amount of compensation awarded in favour of the petitioner-land owners, in terms of award dated 28.02.2019, passed under Section 28-A of the Land Acquisition Act, 1894 (hereinafter to be referred as “the 1894 Act”) has been directed to be converted in the shape of FDR in any nationalized bank.

2. Briefly stating, the land owned by the petitioner/land owner situated in village Darra Kalan, Tehsil Thanesar, District Kurukshetra came to be acquired vide notification dated 08.01.1991, issued under Section 4 of the 1894 Act followed by award dated 31.12.1993. Though, no reference under Section 18 of the 1894 Act was filed at the instance of

the petitioner/land owners, however, later, based on an award dated 08.02.1997 pertaining to certain other land owners regarding enhancement of compensation, a reference under Section 28-A of the 1894 Act was filed at the instance of the petitioner/land owners which came to be decided on 28.02.2019, awarding them compensation @ Rs. 4 lakh per acre. Thereupon, the petitioner/ land owners filed execution application wherein vide order dated 01.10.2022, the enhanced amount has been ruled to be converted in the shape of the FDR in any nationalized bank.

3. I have heard learned counsel for the parties and gone through the paper book and find substance in the contentions made on behalf of the petitioner/ land owners.

4. In the present petition, from a perusal of the paper book as well as the information provided by the respective counsels, it is apparent that the compensation was awarded in favour of the petitioner-land owners vide award dated 28.02.2019, passed under Section 28-A of the 1894 Act @ Rs.4 lakh per acre while relying upon the award dated 08.02.1997 passed in favour of the land owners which already stands modified vide judgment dated 17.11.2008 in RFA No. 957 of 1997 and the compensation stands enhanced to Rs.6,77,600/- from 4 lakh per acre. Even the decision dated 17.11.2008 passed by this Court already stands upheld by the Hon'ble Apex Court vide order dated 04.03.2013 in SLP No. 15392 of 2010.

5. In view of the aforesaid, in the humble opinion of this Court, there appears to be no reasonable justification to order for deposit

of the amount granted in favour of the petitioner/ land owners vide decision dated 28.02.2019 passed on an application filed under Section 28(2) of the 1894 Act at their instance, in the shape of FDR.

6. Resultantly, in view of the discussion made hereinabove, the order dated 01.10.2022 passed by the Executing Court is hereby set aside and the amount of compensation deposited by respondent No. 3 be released in the favour of the petitioner/ land owners against suitable surety to the satisfaction of the Executing Court, as expeditiously as possible.

7. Disposed of in abovesaid terms.

(HARKESH MANUJA)
JUDGE

21.11.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No