

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

CR-6042-2023 (O&M)
Date of Decision: 10.10.2023

Improvement Trust, Moga

...Petitioner

Versus

Jaswant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Kavita Arora, Advocate for the petitioner.

HARKESH MANUJA, J. (oral)

1. By way of the present revision petition filed under Article 227 of the Constitution of India, challenge has been made to the orders dated 22.08.2022 and 31.03.2023 passed by the Executing Court, whereby the objections filed at the instance of petitioner-judgment debtor as regards payment of interest on solatium in favour of the private respondents-land owners stands rejected.

2. Briefly stating, certain land owned by the private respondents, situated in village Tian Wala Chhappar in the Municipal Limits of Moga, was acquired by Improvement Trust, Moga vide Notification dated 02.05.1980 under Section 42 of the Punjab Town Improvement Act, 1922 (hereinafter to be referred as “the Act”) and the market rate was assessed @ Rs. 473/- per marla besides other statutory benefits. The land owners filed their reference before the Land

Acquisition Tribunal, for Improvement Trust, Moga, wherein vide order dated 11.08.2010, market rate was increased from Rs.473/- to Rs.700/- per marla besides other statutory benefits. Aggrieved thereto, the petitioner(s) approached this Court by filing Civil Writ Petitions which came to be dismissed vide judgment dated 21.04.2011 upholding the order dated 11.08.2010 passed by the Land Acquisition Tribunal, for Improvement Trust, Moga.

3. Based on the award dated 11.08.2010, the land owners filed execution application wherein objections were filed, resisting the grant of interest on the benefit of solatium. The reliance was placed upon the decision made by Hon'ble Supreme Court in case of **Gurpreet Singh Versus Union of India, 2008(2) RCR (Civil) 207**. The said objections were dismissed by the Executing Court vide order dated 22.08.2022. The same was somehow challenged before the Appellate Court, however, the said appeal was dismissed being not maintainable.

4. Learned counsel for the petitioner submits that once the benefit of interest on solatium was not specifically awarded in favour of the land owners, the Executing Court was not competent to allow the same in favour of the land owners.

5. I have heard the learned counsel for the petitioner and also gone through the paper-book.

6. A perusal of objection petition filed by the petitioner shows that no such specific objection as argued before this Court was

ever raised therein, however, the plea being based on law still needs to be dealt with. The aforesaid point of law has already been dealt with by this Court in case of **Civil Revision No. 1497 of 2013**, titled as **“Union of India Versus Ajaib Singh and others”**, decided on 11.07.2023. Relevant para-14 thereof is re-produced 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 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.”

7. In view of the discussion made herein above, the final determination of compensation in favour of respondent-landowners

being post decision in case of ‘Sunder Vs. Union of India’, 2001 AIR (SC) 3516, no interference is warranted in the orders dated 22.08.2022 and 31.03.2023 passed by the Courts below, as such, finding no merits, the present revision petition is **dismissed**.

8. Pending application(s), if any, shall also stand(s) disposed of.

10.10.2023

(HARKESH MANUJA)

Mangal Singh

JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No