

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7714-2019 (O&M)
Decided on:-16.10.2023

Ranjit Singh

....Petitioner.

vs.

The State of Haryana thr. Land Acquisition Collector

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhag Singh, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J.

1. By way of present revision petition, challenge has been laid to an order dated 05.09.2019 (Annexure P-3) passed by the Executing Court-cum-Additional District Judge, Ambala, rejecting the claim made by the petitioner-landlord as regards his entitlement towards interest on the benefit of solatium, prior to 19.09.2001.

2. Briefly stating, certain land owned by the petitioner-landowner situated in the revenue estate of Village Shahpur, District Ambala, came to be acquired vide notifications dated 08.02.1989 and 07.02.1990, issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (herein after called "1894 Act"), for the public purpose, namely, for the development and utilization of the same as residential, commercial and industrial area for Sectors 10 and 11, Ambala Cantt. The award was passed by the Land Acquisition Collector on 23.01.1992, whereby, the

compensation was assessed @ Rs.75,000/- per acre.

3. Aggrieved of the aforesaid award, the petitioner-landowner filed reference under Section 18 of the 1894 Act, which was decided on 28.01.1999 and the compensation was enhanced to Rs.2,50,000/- per acre.

4. Still aggrieved, petitioner-landowner approached this Court by way of filing RFA-1753-1999 (O&M), which came to be decided on 18.09.2012 (in main appeal bearing No.RFA-2060-1999), with the following relevant observations:-

“14. In terms of the reasons set out in the aforesaid paragraphs, the compensation assessed shall stand enhanced to Rs.4,53,125/- per acre for village Nanhera and Rs.4,08,000/- for village Shahpur. This value shall be for the first 100 meters along the highway on either side and for location of the property beyond 200 meters, the value of the property shall stand reduced by 15% and for properties still further beyond the next 200 meters or more, the value of the property would be reduced by another 10%. ”

5. Few of the landowners assailed the aforesaid judgment dated 18.09.2012 passed by this Court before the Hon’ble Apex Court, however, those appeals were dismissed vide order dated 15.09.2018, thereby, rendering the decision dated 18.09.2012 passed by this Court as final determination on the point of quantum of compensation.

6. Based thereupon, petitioner-landowner filed execution petition, wherein, dispute was raised at the instance of respondent that the petitioner-landowner was not entitled for interest on the benefit of solatium in terms of decision rendered by Hon’ble the Supreme Court in case of “**Gurpreet Singh vs. Union of India, (2006 (8) SCC 457)**. The said objection was accepted by

the Executing Court while passing the order dated 05.09.2019, which has been impugned by way of present revision petition.

7. I have heard learned counsel for the parties and gone through the paper book as well as law cited at the bar.

8. The aforesaid proposition has already been dealt with by this Court in detail vide its decision dated 11.07.2023 passed in CR-1497-2013, titled as ***“Union of India and another vs. Ajaib Singh and others”***, while recording that in case, the final determination of quantum of compensation is post 19.09.2001 i.e. the date of decision in ***“Sunder vs. Union of India”, (2001 (7) SCC 211)***, the landowners are entitled for award of interest on the benefit of solatium as the decision rendered by Hon’ble Supreme Court in ***Gurpreet Singh’s*** case (supra) is not applicable therein, which exclusively relates to the powers of Executing Court to award interest on solatium. Relevant portion from para 14 of ***Ajaib Singh’s case*** (supra), is reproduced hereunder for reference:-

“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."

9. Thus, in view of the discussion made herein above, the present petition is allowed and the impugned order dated 05.09.2019, passed by the Executing Court, Ambala is hereby, set aside. Resultantly, petitioner-landowner is held entitled for award of interest on the benefit of solatium from the date of his dispossession till the date of actual payment.

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

16.10.2023

sonika

(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No