

RAJINDER SINGH

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Sharma, Advocate and
Mr. Sikandh Mehta, Advocate for
Mr. Deepak Sharma, Advocate
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 05.09.2019 passed by the Executing Court-cum-Additional District Judge, Ambala, whereby, the petitioner-landowner has been denied the benefit of interest on the solatium prior to 19.09.2001 i.e. from the date of judgment passed in case of ***Sunder versus Union of India, (2001) 7 SCC 211.***

2. Briefly stating, the land owned by petitioner, situated in district Ambala was sought to be acquired vide notification dated 26.05.1981 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') followed by notification dated 10.01.1983 issued under Section 6 thereof.

3. Aggrieved thereof, award No.4 was passed on 27.06.1984 by

learned Collector, whereby, the market value of the land was assessed at Rs.52,000/- per acre.

3. Being dissatisfied with the award, the petitioner-landowner invoked reference under Section 18 of the Act, which came to be decided on 09.10.1991 and the market value was enhanced to Rs.57,000/- per acre. Still aggrieved, the petitioner-landowner approached this Court by way of filing Regular First Appeal which was decided on 14.01.1999 and the market value of the land was enhanced to Rs.2,91,800/- per acre along with all statutory benefits.

4. The above mentioned judgment dated 14.01.1999 was challenged by filing an intra-court appeal which was decided on 07.12.2005 and the market value of the land was determined @ Rs.110 per square yard. The issue of determination of compensation even went to the Hon'ble Apex Court and the same was finally adjudicated upon vide judgment dated 17.10.2015 whereby the market value of the land was assessed at Rs.180/- per square yard besides other statutory benefits.

5. Based thereupon, the petitioner filed execution application wherein, relying upon a decision passed in case of ***Gurpreet Singh Vs. Union of India, (2006) 8 SCC 457***, the right of the petitioner-landowner as regards release of interest on the amount of solatium has been restricted with effect from 19.09.2001 i.e. the date of adjudication of ***Sunder Singh's*** case (*supra*).

6. I have heard learned counsel for the parties and have gone through the paper book. From the factual matrix, one can trace out that the final determination of market value/compensation was made in the present

case vide judgment dated 17.10.2015 passed by the Hon'ble Apex Court and the same was assessed @ Rs.180/- per square yard which clearly is post decision in **Sunder Singh's** case (supra) and thus, the enunciation of law made in case of **Gurpreet Singh** (supra) cannot be made applicable to the facts and circumstances of the present case.

7. The aforesaid issue has already been dealt with, in detail by this Court in **Civil Revision No.1497 of 2013** titled as **Union of India and another versus Ajaib Singh and others** decided on 11.07.2023. Relevant portion from the said judgment 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.”

8. In view of the discussion made hereinabove and relying upon the reasoning recorded in *Ajaib Singh's* case (supra), impugned order dated 05.09.2019 passed by the Executing Court-cum-Additional District Judge, Ambala, is hereby set aside.
9. The present revision petition is allowed with a direction to the Executing Court to award interest on solatium in favour of petitioner-landowner from the date of his dispossession as the final determination of market value/compensation has been made in their favour by the Hon'ble Apex Court vide decision dated 11.04.2013 i.e. post decision in *Sunder's* case (supra).
10. Present revision petition stands disposed of.

01.08.2023
manisha

(HARKESH MANUJA)
JUDGE

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