

CR-2-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CR-2-2024
Date of decision: 02.04.2024

BALJIT SINGH AND OTHERS ...Petitioners

Versus

PUNJAB STATE AND OTHERS ...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Satbir Rathore, Advocate,
for the petitioners.

Mr. Saurav Verma, Addl. A. G. Punjab.

Mr. Abhilaksh Gaind, Advocate,
for NHAI.

RAJBIR SEHRAWAT, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the impugned order dated 22.12.2023 (Annexure P-9), passed by the Executing Court, whereby the petitioners were directed to furnish indemnity bonds for release of payment of compensation amount in lieu of their acquired land.
2. It is submitted by learned counsel for the petitioners that the petitioners-land owners have been granted the compensation only as determined by the concerned Reference Court. Although, the objections under Section 34 of the Arbitration and Conciliation Act were filed by the NHAI, however, the said objections stand dismissed and the matter has already become final between the parties. Even if some appeal is filed by the respondents, there is no stay order produced before the Court.

CR-2-2024

Therefore, there cannot be any order of furnishing indemnity bonds for receiving their own money by the petitioners-land owners.

3. Learned counsel for respondent No.1 and 2 and learned counsel for respondent No.4 have not even disputed that the objections filed under Section 34 of the Arbitration and Conciliation Act, have been dismissed and the matter has already become final between the parties.

4. Accordingly, this Court finds the condition imposed by the Executing Court qua furnishing the indemnity bonds by the petitioners-land owners to be totally unjustified. Otherwise also, in the matter of release of amounts of compensation for acquisition of land, it deserves to be noted that it is a statutory entitlement of the land owner. Therefore, unless there is any specific direction or order from the Appellate Court, no Executing Court is authorized to ask for any guarantee, surety, security or bonds of any kind for releasing the money to the entitled land owner.

5. In view of the above, the present petition is allowed and the condition imposed by the Executing Court for furnishing of indemnity bonds by the petitioners for release of compensation; is quashed. The petitioners-land owners be paid the amount as directed by the Executing Court, if already not paid.

02.04.2024

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No