



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

309-2

CR No.1635 of 2024 (O&M)

DATE OF DECISION: 16th SEPTEMBER, 2024

Harbhajan Singh @ Harbhajan Singh Bajwa

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jagmohan Singh Bhatti, Advocate for the petitioner.

Mr. Vibhor Bansal, Advocate
Senior Panel Counsel,
for respondent Nos.1 & 3-UOI.

Mr. Puru Jarewal, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for quashing the impugned order dated 21.02.2024 (Annexure P-1), passed by the Executing Court, vide which, the compensation was ordered to be released on furnishing of indemnity bond in the sum of equivalent to the amount of compensation; and also along with one surety to the like amount, with certain other prayers made in the present petition.

2. It is submitted by learned counsel for the petitioner that the petitioner, who is land owner, has been granted the compensation only as determined by the concerned Reference Court. There is no stay from any Higher Court or Authority. Therefore, there cannot be any order of furnishing indemnity bonds for receiving his own money by the petitioner-land owner.



3. Learned counsel for the respondents have not even disputed that there is no stay from any Court or Authority.
4. Accordingly, this Court finds the condition imposed by the Executing Court qua furnishing of indemnity bond by the petitioner-land owner 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 bond by the petitioner along with one surety of the like amount; for release of compensation is quashed. The petitioner-land owner be paid the amount as directed by the Executing Court minus insisting upon furnishing of any indemnity bond by the petitioner.

16th SEPTEMBER, 2024
‘Sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>