

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CR No.2319 of 2024 (O&M)
DATE OF DECISION: 19th APRIL, 2024

Roopinder Singh

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 15.03.2024 (Annexure P-1), passed by the Additional District Judge, Patiala, vide which, while disposing of the execution petition preferred by the petitioner, as well as, the proforma respondent Nos.5 to 7, condition has been imposed upon the petitioner, as well as, proforma respondents to furnish security for release of the amount of compensation on account of compulsory acquisition of land, with certain other prayers made in the present petition.

2. It is submitted by learned counsel for the petitioner that the petitioner & proforma respondents, who are land owners have been granted the compensation only as determined by the concerned Reference Court. There is no stay from any Higher Court or Authority and even the objections filed under Section 34 of the Act have already been dismissed. Therefore, there cannot be any order of furnishing security bonds for receiving their own money by the petitioner & proforma respondents-land owners.

3. Notice of motion.

4. Mr. Vishnav Gandhi, DAG, Punjab, accepts notice on behalf of respondents Nos.3 & 4-State.
5. The respondent No.2 is the beneficiary department qua the land which has already been taken by them. Therefore, at this stage, they are not required to be served for the purpose of the present petition.
6. Learned counsel for respondent Nos.3 and 4 has not even disputed that there is no stay from any Court or Authority, and that the objections filed under Section 34 of the Act have already been dismissed.
7. Accordingly, this Court finds the condition imposed by the Executing Court qua furnishing of security bonds by the petitioner & proforma respondents-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.
8. In view of the above, the present petition is allowed and the condition imposed by the Executing Court for furnishing of security bonds by the petitioner 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 security bonds by the petitioner.

19th APRIL, 2024

‘Sandeep’

Whether speaking/reasoned:

Whether Reportable:

(RAJBIR SEHRAWAT)

JUDGE

Yes

No

Yes

No