

CR-2467-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 25.04.2024

TARANJIT SINGH ...Petitioner

Versus

UNION OF INDIA AND OTHERS ...Respondents

CORAM : HON’BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Karan 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 order dated 11.03.2024 (Annexure P-1) passed by the Executing Court, whereby the petitioner and the proforma respondents No.5 to 7 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 petitioner that the petitioner and the proforma respondents (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, in the said objections, no stay has been granted in favour of the NHAI. Therefore, there cannot be any order of furnishing security bonds for receiving their own money by the petitioner and the proforma respondents (land-owners).
3. Notice of motion to respondent No.1 to 4 only, at this stage.

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4. Mr. D.C.Mittal, Sr. Panel Counsel, UOI, accepts notice on behalf of respondents No.1 and 2. Mr. Gunjan Mehta, Addl. A. G. Punjab, accepts notice on behalf of respondents No.3 and 4.
5. Learned counsel for respondents No.1 and 2 and learned State counsel have not even disputed the fact that no stay has been granted by the concerned Court in the objections filed by the NHAI.
6. Accordingly, this Court finds the condition imposed by the Executing Court qua furnishing the security bonds 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.
7. 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 and the proforma respondents for release of compensation; is quashed. The petitioner and the proforma respondents (land owners) be paid the amount as directed by the Executing Court, if already not paid.

25.04.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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