



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR-2963-2024 (O&M)**DATE OF DECISION: 15.05. 2024****Jagdish chander Gupta (deceased) through LRs and others****.... Petitioners****Versus****State of Haryana and others****.... Respondents****CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT****Present: Mr. Sudhir Aggarwal, Advocate, for the petitioners.***** * * *****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 05.02.2024 (Annexure P-2), passed by the Executing Court, whereby the execution petition has been dismissed because of not furnishing of bank guarantee.

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 appeal against the award of the Reference Court was filed by the respondents, however, in that appeal stay was specifically declined to the present respondents. Therefore, there cannot be any order of furnishing security bonds for receiving their own money by the petitioners-land owners.

3. Notice of motion.



4. Mr. Shivendra Swaroop, DAG, Haryana, accepts notice on behalf of respondent Nos.1 & 2-State.

5. The respondent No.3 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.1 and 2 has not even disputed that there is no stay granted by the Appellate Court in the above said appeal.

7. Accordingly, this Court finds the condition imposed by the Executing Court qua furnishing of security 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.

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 petitioners for release of compensation; is quashed. The petitioners land owners be paid the amount as directed by the Executing Court minus insisting upon furnishing of any security bonds by the petitioners.

(RAJBIR SEHRAWAT)
JUDGE

15.05.2024

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Whether speaking/reasoned: Yes No

Whether Reportable: Yes No