



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

138

CR No.3897 of 2024 (O&M)

DATE OF DECISION: 15th JULY, 2024

Swarn Singh Kahlon and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Naresh Kaushal, Advocate for the petitioners.

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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/setting aside the order dated 09.01.2024 (Annexure P-4), passed by the Executing Court, vide which, a direction was issued to issue DRO/Refund Voucher of the 50% awarded amount to the DHs/land owners on their furnishing indemnity bonds to the tune of double the amount with one surety in the like amount, with certain other prayers made in the present petition.

2. It is submitted by learned counsel for the petitioners that the petitioners, 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. Therefore, there cannot be any order of furnishing indemnity bonds for receiving their own money by the petitioners-land owners.

3. Notice of motion.

4. Mr. Gunjan Mehta, Addl. Advocate General, Punjab, accepts notice on behalf of respondent No.1-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 No.1 has not even disputed that there is no stay from any Court or Authority.

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

8. 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 minus insisting upon furnishing of any indemnity bonds by the petitioners.

15th JULY, 2024
'Sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

<i>Yes</i>	<i>No</i>
<i>Yes</i>	<i>No</i>