

**CR-4618-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****113****CR-4618-2024 (O & M)
Date of decision: 05.09.2024****BALWINDER SINGH AND ORS**

...Petitioners

Versus**STATE OF PUNJAB AND ANOTHER**

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Kanchan Sindhu, Advocate for
Mr. Pritam Singh Saini, Advocate,
for the petitioners.

**********RAJBIR SEHRAWAT, J. (Oral)****CM-15347-CII-2024**

1. Allowed as prayed for. True copies of orders dated 14.08.2024 passed in EXE-138-2024, dated 14.08.2024 passed in EXE-140-2024, dated 14.08.2024 passed in EXE-234-2024, dated 16.08.2024 passed in EXE-633-2024 and dated 14.08.2024 passed in EXE-141-2024 by the Addl. Sessions Judge, SAS Nagar, and the order dated 19.04.2024 passed by this Court in CR-2319-2024 are taken on record as Annexures P-8 to P-13, subject to all just exceptions.

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1. The present revision petition has been filed under Article 227 of the Constitution of India, for issuance of direction to the Executing Court to release the amount deposited by the respondents before this Court, in pursuance of the Award dated 31.07.2023.

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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. However, vide orders dated 14.08.2024 and 16.08.2024 (Annexures P-8 to P-12), the Executing Court has imposed a condition upon the petitioners to furnish indemnity bonds of double amount with one surety in the like amount to indemnify any better claimant in future, for the purpose of release of amount of compensation on account of acquisition of land. It is further submitted that 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. Puru Jarewal, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

5. Respondent No.2 is the beneficiary department qua the land which has already been taken by it. Therefore, at this stage, respondent No.2 is not required to be served for the purpose of the present petition.

6. 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 owners. Therefore, unless there is any



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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 owners.

8. In view of the above, 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.
9. Disposed of in the afore-mentioned terms.
10. Pending application, if any, shall stand disposed of.

05.09.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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