



Transport Nagar Scheme. Award with respect to determination of compensation was passed by the concerned Land Acquisition Collector on 20.11.2002 (Annexure P-1). In pursuance thereof, on 21.11.2002, the said amount was offered to the petitioner by the Land Acquisition Collector, Improvement Trust however, in the meanwhile, objections were preferred at the instance of Mahant Gobinda Nand and Surinder Muni before the Land Acquisition Collector and consequently in November 2002, the amount of compensation was transferred to the Land Acquisition Tribunal and converted into fixed deposit. On 26.08.2003, the objections preferred at the instance of Mahant Gobinda Nand and Surinder Muni were decided by the Tribunal, having recorded that the amount could be released only after the final adjudication of the civil suits No.81 dated 16.05.2003 titled as Mahant Gobinda Nand and another vs. State of Punjab and others, preferred at the instance of the objectors.

3. Aggrieved against the said order, the petitioner preferred two separate civil writ petitions i.e. CWP No.18578-2003 and 18091-2003 before this Court. During the pendency of those writ petitions, the objectors withdrew their civil suits on 11.10.2005 (Annexure P-6). Upon the said fact being brought to the notice of this Court, both writ petitions were disposed of vide order dated 20.04.2006(Annexure P-7). The same being relevant is reproduced hereunder:

“The grievance of the petitioner is that although his land was acquired by the Improvement Trust, Bathinda, but no compensation has been disbursed to the petitioner. Learned Counsel for the petitioner contends that the



compensation was deposited by the Collector before the Tribunal. A suit was filed by the Respondents No. 6 and 7, who also claim to be the owner of the suit land. Learned Counsel for the petitioners has placed on record the certified copy of the orders passed by the Civil Court whereby, the respondents No. 6 and 7 have withdrawn their suit.

Shri J.R. Mittal, Senior Advocate, submits that as there is no further impediment in the disbursement of compensation, therefore, the same should be disbursed to the petitioner. Learned Counsel further submits that the petitioners have filed, an application for releasing the amount before the Tribunal.

After hearing learned Counsel for the parties, we dispose of this Writ Petition with the direction to the Land Acquisition Tribunal, Bathinda, to dispose of the application filed by the petitioners for disbursement of compensation in accordance with law within three months from the date of receipt of certified copy.”

4. However, before the application preferred at the instance of the petitioner for seeking disbursement of compensation could be decided afresh by the Tribunal, another set of third party objections/application was preferred at the instance of Mahant Kesho Ram along with one Swami Atma Nand Shastri. Simultaneously, civil suit No.106/2006 dated 24.05.2006 titled as Mahanat Kesho Ram and another vs. Mahant Sarupa Nand Chela Mahant Gurbanta Dass and others came to be filed. In such circumstances, the Tribunal, vide order dated 25.07.2006, based on the statements made by the



concerned parties including the petitioner and the objectors, disposed off the above-mentioned application with the following relevant directions:

“Today, Mahant Saruna Nand has made statement that out of the deposited amount, referred to above, an amount of Ra 7 fac per year be given to him as Mahant of Dera Tapwala Nihal Dase and he shall spend the said amount for the welfare of the said Dera. The remaining amount be kept in the shape at S.T.D.R. and that amount shall be utilized with the permission of the Tribunal for purchasing the land for the Dera He has further made statement that he shall keep the details of the expenditure out of the amount of Rs.7 lac. This amount is in respect of both the applications filed by the Dera.

8) *Shri Ashok Bansal, learned counsel for the Objectors has made statement that he has no objection, if the interest on the [F.D.Rs](#) amounting Rs.7 lac, is givan to Dera as per statement made by Mahant Sarupa Nand and the applications be decided in accordance with the statement made by Mahant Sarupa Nand.*

9) *Since both the parties have made statement, so in these circumstances the applications have to be decided in accordance with the statement of the parties. Otherwise, also, we are of the opinion that the amount of Rs.7 lac per year out of the interest income of both the [F.D.Rs](#), is required for the maintenance of the Dera. The objector has also agreed to the proposal made by Mahant Sarupa Nand So, in these circumstances, it is ordered that out of the two [F.D.Rs](#). ordered to above, the Manager of the oriental Bank of Commerce, Kikkar Bazar, Bathinda shall pay a sum of Rs.7 lac per year to Mahant Sarupa Nand after deducting the amount or T.D.S. on the said amount, under*



the rules. Remaining amount shall be kept in the [F.D.Rs.](#) till further orders made by this tribunal. Mahant Sarupa Nand shall spend the said amount for the welfare of the Dera and shall keep the details of the expenditure of the said amount with him. The applicant shall be entitled to apply fresh for withdrawal of the amount for the purchase of land for the Dera out of the remaining amount of the [F.D.Rs.](#) in case necessity arises.

10. In view of the above circumstances, both the applications stand disposed of.

A copy of this order be placed on record of File bearing No. 203 of 28-11.2005. After doing the needful, the files be consigned to the Record Room.”

In the meanwhile, later on 19.04.2007 and 17.09.2015, some amounts were even released in favour of petitioner for the land purchased in its name.

5. Subsequently, the aforementioned civil suit preferred at the instance of the objectors, namely, Mahant Kesho Ram along with one Swami Atma Nand Shastri, was dismissed by the trial Court vide judgment and decree dated 27.08.2014.

6. Aggrieved thereof, they preferred the first appeal, however, same was dismissed vide judgment and decree dated 24.05.2019 passed in Civil Appeal No. 461/2014. Relevant paragraph Nos.27 and 28 of the said decision being relevant are reproduced hereunder:

“27. The plaintiffs were required to show that Dera Tahwala Nihal Dass and Ghuda were in existence for public purpose of charitable/religious nature, but once they



have been unable to prove the same. It can only be held that the suit of the plaintiff does not fall within purview of Section 92 of CPC. The plaintiffs had challenged a number of alienations of property which were by way of gift/lease deeds and the same related to years 1989, 1991, 1992, 1993, 1994 or 1995, but none of the parties to whom the said gift/lease deeds had been made, were made a party and the said lease/gift deeds could have been challenged only within a period of three years and the last lease deed is of year 1995 and although, appellant has stated in his cross-examination that he has challenged gift deeds from the date of knowledge, when he came to know regarding the same, but it is to be noted that he has also admitted in his cross-examination regarding earlier suit filed by Gobinda Anand and Surinder Muni against defendant no.1 and the said suits have been placed on case file as Ex.D9 and they had been withdrawn vide statement Ex.D13 dated 11.10.2005 vide order dated 11.10.2005 Ex.D15 of the court of Sh. A.L. Khichy, the then Civil Judge (Sr. Division), Bathinda on 11.10.2005 and the appellant has admitted that he knew the entire facts of the said cases and had been accompanying the said two persons during the court hearings making it very clear that this case has been filed beyond limitation for getting setting aside the lease/gift deeds. It is further to be noted that the appellant has not been able to show that any consideration was passed during the execution of said gift/lease deeds. Thus, issues no.4, 5 & 11A are decided against the appellant and in favour of respondents.

28. In view of the aforesaid discussion and without elaborating further, this court is constrained to hold that appellants-plaintiffs have failed to prove his case and



accordingly this appeal is hereby dismissed being devoid of any merits. Decree sheet be prepared accordingly and file be consigned to the record room, while the record of learned lower court be returned immediately.”

Resultantly, in view of the aforesaid, no dispute or *lis*/proceedings before any Court of competent jurisdiction remained pending with respect to the rights of petitioner i.e. Mahant Sarupa Nand Chela Mahant Gurbanta Dass, being authorised person representing the Dera Tapp Wala Nihal Dass.

7. In such view of the matter, a fresh application came to be preferred at the instance of the petitioner before the Tribunal, seeking release of amount of compensation. However, upon consideration of the previous litigations the learned Tribunal, vide its order dated 05.03.2024, directed for issuance of notice of the application to the previous objectors, namely Mahant Gobinda Nand and Surender Muni. Though an effort was made during the course of proceedings before the learned Tribunal to serve the above two individuals but to no effect. Later, an application was filed by the petitioner, before the Land Acquisition Tribunal to dispense with their service and for release of the amount of compensation. The said application was opposed by the Land Acquisition Collector-respondent No.1 and the same was dismissed by the learned Tribunal vide its order dated 26.08.2025.

8. I have heard learned counsel for the parties and gone through the paper book.

9. A perusal of the paper book shows that, at present, neither any objection nor any civil suit preferred at the instance of any of the third party is



pending consideration before any competent authority or even Court of competent jurisdiction questioning the status of Mahant Sarupanand being the authorised representative-cum-Mahant of Dera Tapp Wala Nihal Dass. No material to this effect has even been produced on record by respondent No.1, who thus, is apparently hell bent to oppose the release of compensation amount to the petitioner without any substantial basis.

10. Accordingly, in such circumstances, it being wholly uncalled for, on the part of the learned Tribunal-cum-Addl. District Judge, Bathinda to have issued notice to any of the previous objectors rather than release the amount of compensation in favour of the petitioner; the impugned orders dated 05.03.2024 and 26.08.2025 were unsustainable. Furthermore, nothing has been pointed out by the respondent-Trust to show that any kind of dispute of apportionment is pending consideration before any Court of competent jurisdiction or even before the learned Tribunal qua the amount of compensation in question. In fact, the direction to issue notice to the objectors, who already lost their civil suit, has caused serious prejudice to the rights of the petitioner as in fact this amounts to proceeding towards unsettling of the finally determined *lis*.

11. In such circumstances, the impugned orders dated 05.03.2024 and 26.08.2025 (Annexures P-14 and P-17 respectively) passed by learned Addl. District Judge, Bathinda are set aside and the learned Tribunal is directed to release the amount of compensation in favour of the petitioner within a period of four weeks especially when the right of the petitioner based on jamabandi



entries for the period 1997-98 had been duly acknowledged by respondent No.1 in the original award dated 20.11.2002 itself.

12. The present petition stands disposed of accordingly.

18.11.2025
sonia

(HARKESH MANUJA)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No