



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-2497-2016 (O&M)

Date of decision: 16.03.2026

State of Punjab and another

...Petitioner(s)

Vs.

Gurkirpal Singh and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amtiaz Sandhu, AAG, Punjab
for the petitioners.

Mr. Sunil Agnihotri, Advocate
for the respondents.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by judgment debtor/State of Punjab for setting aside the impugned order dated 9.11.2015 (Annexure P-7) passed by learned Additional District Judge Hoshiarpur passed in Execution Application No. 90 dated 21.10.2011; whereby the execution application filed by the respondent/decreed holder is accepted; and all subsequent proceedings arising therefrom.

2. Brief facts of the case in chronological order are as follows: -

08.09.1994: Vide Notification dated 08.09.1994 issued under Section 4 of the Land Acquisition Act, the State of Punjab had acquired land measuring 54K 6M; of which land, the decree holders were owners of 8K 4M.



09.07.1997: Vide Award dated 09.07.1997, Land Acquisition Collector had awarded compensation @ Rs.925.75/- per Marla.

05.06.2004: Vide order dated 05.06.2004, Additional District Judge Hoshiarpur enhanced the said compensation to Rs.20,000/- per Marla.

04.08.2011: Vide order dated 04.08.2011 (Annexure P-1), the Execution Application filed by respondents/deGREE holders was allowed; and in pursuance to the same, compensation amount of Rs.2,56,03,930/- was paid to the respondents/deGREE holders. However, in actual fact, respondents were entitled to compensation of Rs.1,61,73,707/- only. Accordingly, vide order dated 04.08.2011 (Annexure P-1), the Additional District Judge, Hoshiarpur had directed Nazir to issue refund voucher for the said amount to the respondents/deGREE holders; and the balance amount was directed to be returned to the Land Acquisition Collector.

02.02.2012: The above said order was challenged by the respondents before this Court, by way of CR-690-2012. As the calculation submitted by the petitioner-State was found to be incorrect, the said CR was disposed of by this Court vide order dated 02.02.2012 (Annexure P-2) directing *"The executing court to adjudicate upon the aforesaid dispute relating to the actual amount due to the petitioners and for recovery of balance amount, if any, found due, in accordance with law."*

17.02.2012: Pursuant to the same, the respondents had filed application dated 17.02.2012 (Annexure P-3) before the Executing Court to re-adjudicate the execution being remanded back. Alongwith the said application, respondents had filed calculation sheet (Annexure P-4).



10.03.2012: The petitioner had filed reply dated 10.03.2012 (Annexure P-5) to the above said application of the respondents.

09.11.2015: Vide the impugned order dated 09.11.2015 (Annexure P-7), the Executing Court, after re-adjudicating the matter, had allowed the application filed by the decree holders and disposed of the same by holding that till 30.10.2015 balance amount payable to the respondents is Rs.79,66,970/- alongwith interest @ 15% p.a. till date of payment.

10.2.2016: In pursuance to the above order dated 9.11.2015, the respondents had filed execution petition, in which the petitioner received impugned summon notice dated 10.02.2016 (Annexure P-8).

3. It is *inter alia* submitted by learned counsel for the petitioners that vide the impugned order, learned Executing Court has wrongly held the respondents entitled for an amount of Rs.79,66,970/-. It is submitted that the said amount has been wrongly calculated by Executing Court under Order 21 Rule 10 CPC for execution of impugned order dated 09.11.2015. The said calculation has been arrived at by the learned Executing Court without considering the reply, documents et cetera filed by the petitioner-Department. Pursuance to the impugned order, even the property of the petitioner-Department is liable to be put to auction.

4. Learned counsel for the petitioner-State further submits that the impugned order dated 9.11.2015 (Annexure P-7), passed by the learned Executing Court and all other subsequent proceedings including the impugned summon dated 10.2.2016 (Annexure P-8), arising



therefrom are against the law, facts and material available on the record, and, as such, are liable to be set-aside.

5. It is further submitted by learned counsel for the petitioner-State that the learned Executing Court has erred in law while allowing the application of the respondents and has failed to appreciate the calculation sheet submitted by the department and has wrongly held that the total balance amount payable till 30.10.2015 is Rs. 79,66,970/- and further this amount will carry interest at the rate of 15% per annum till the date of payment. Learned counsel contends that the Ld. Executing Court has not properly appreciated the fact that the total land acquired was 164 Marlas and the rate given by the Land Acquisition Collector was Rs. 925.75/- per Marla and the Ld. Additional District Judge awarded @ of Rs. 20,000/- Per Marla; and as such the compensation as per the rate awarded by the Ld. Additional District Judge comes to Rs. 32,80,000/- and the Solatium @ 30% comes to Rs. 9,84,000/-.

6. It is further submitted by learned counsel for the petitioner-State that the Ld. Executing Court has erred in wrongly calculating the interest at the rate of 12% per annum w.e.f. 8.7.1994 to 7.7.1997 by holding that it comes to Rs.15,35,040/- by relying upon the wrong calculation sheet submitted by the respondents. Whereas the correct amount for the said period @12% comes to Rs. 11,13,942/-on the amount of compensation. It is further submitted that the interest @9% per annum w.e.f 8.7.1997 to 7.7.1998 by holding that it comes to Rs.



5,21,913/-by relying upon the wrong calculation sheet submitted by the respondents, has been wrongly accepted whereas the correct amount for the said period @9% comes to Rs.4,84,015/-on the amount of compensation.

7. Learned counsel for the petitioner-State further submits that the Ld. Executing Court has not considered the fact that the department of the petitioner had already paid amount of Rs. 1,61,73,707/- whereas the respondents were entitled only for a sum of 1,55,80,080/- hence they have already received in excess Rs. 5,93,627/-.

8. It is further submitted by learned counsel for the petitioner-State that the Ld. Executing Court has erred in concluding that the balance amount of Rs.79,66,970/- will carry interest @15% till the date of payment as per Land Acquisition Act whereas the amount of compensation stands already paid to the respondents out of the total amount of compensation of Rs. 2,56,03,930/- which was deposited by the petitioner-department vide cheque dated 14.5.2011.

9. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order dated 09.11.2015 (Annexure P-7) passed by the learned Executing Court and the resultant summon notice dated 10.2.2016 (Annexure P-8) be set aside.

10. Learned counsel for the respondents submits that amount calculated by the petitioner-State, is incorrect. No refund was due from the petitioner as noted by the Predecessor Bench of this Court in order dated 02.02.2012 (Annexure P-2).



11. Learned counsel for the respondents further submits that as the calculation submitted by the State was incorrect, it is for this reason, that the order dated 04.08.2011 passed by learned Executing Court, was challenged by the respondents by way of filing of CR-690-2012. The said CR was disposed of by this Court vide order dated 02.02.2012 (Annexure P-2) directing *"The executing court to adjudicate upon the aforesaid dispute relating to the actual amount due to the petitioners and for recovery of balance amount, if any, found due, in accordance with law."*

It is accordingly prayed that present Revision Petition be dismissed.

12. No other argument is raised on behalf of the parties. I have heard Id. counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of Id. counsel for the petitioner-State.

13. Perusal of the record of the case shows that on 31.07.2017, Predecessor Bench of this Court has passed the following order: -

"Dr. Himanshu, SDM-cum-Land Acquisition Collector, Dasuya, Punjab is present in Court and would state that after due consultation with the staff who are good at making calculations in land acquisition cases, the department has not found any error in the calculation already made and placed on record.

Counsel for the respondents, on the contrary, would submit that yesterday when a local counsel for the respondents at Hoshiarpur contacted the office of Sub Divisional Magistrate-cum-Land Acquisition Collector, Dasuya, District Hoshiarpur, Punjab, it was transpired that the matter would be settled but as the officer present in the Court today has said otherwise, he needs some time to argue

the matter and file reply to the calculations submitted by the petitioners.

Be listed on 27.09.2017.”

14. The record reveals that till date, respondents have not submitted any reply to the calculations submitted by the State.
15. Order sheets show that despite grant of numerous opportunities for over 9 years, respondents have failed to file any reply or objections to the said calculation submitted by the petitioner. Clearly therefore, the respondents have not been able to dispute or make out any error in the calculation given by the petitioner.
16. Learned counsel for the respondents is unable to controvert or dispute the above said factual position.
17. In view of the above, present Civil Revision Petition is **allowed**; and impugned order dated 09.11.2015 (Annexure P-7) passed by learned Executing Court; the summon notice dated 10.02.2016 (Annexure P-8), and all other subsequent proceedings arising therefrom, are set aside.
18. Pending application(s), if any, also stand(s) disposed of.

16.03.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No