



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

**CR-4727-2019 (O&M)
Date of Decision: 03.02.2026**

**SHYAM SAKHA(DECEASED) THROUGH LRS AND ORS
... PETITIONERS**

VS.

STATE OF PUNJAB AND ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.S.Gargrha, Advocate,
for the petitioners.

Mr. Peru Jorwal, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

CM-21137-CII-2024

Prayer in this application is for bringing on record Legal representatives of petitioners No.1 and 2.

In view of the averments made in the application, the same is allowed.

Legal representatives of petitioners No. 1 and 2, as mentioned in paras No.2 and 3 of the application, are ordered to be brought on record.

Amended memo of parties is taken on record, subject to all just exceptions.

CR-4727-2019 (O&M)

By way of the present revision petition, challenge has been laid to the order dated 27.03.2019 (Annexure P-13) passed by the learned Additional District Judge, Sangrur-cum-Executing, whereby execution

application preferred at the instance of petitioners was disposed of while holding that the claim of the petitioners-landowners already stood satisfied.

(2). The dispute in the present petition relates to the disbursal of compensation amount to the petitioners-landowners against the acquisition of their land, which commenced vide notification dated 16.09.1983 issued under Section 4 of the Land Acquisition Act, followed by award dated 10.09.1986. Admittedly, the compensation amount was re-determined by the Land Reference Court vide order dated 24.11.1990; thereafter by this Court in Regular First Appeal vide decision dated 17.04.2001 and again on 15.01.2009 in LPA-151-2005, whereby the market value was re-assessed at Rs. 80,000/- per acre for chahi land and Rs. 60,000/- per acre for gairmumkin land.

(3). I have heard learned counsel for the parties and gone through the paper book.

(4). A perusal of the impugned order shows that the learned Executing Court primarily relied upon the calculations provided by the respondent(s) in the reply to the execution application filed on 27.07.2013, wherein it was stated that a sum of Rs.27,29,854/- stood deposited in favour of the decree-holder as full and final payment towards compensation.

(5). Upon minute examination of the reply dated 27.07.2013, it has been traced out that the amount of Rs.27,29,854/- was paid by respondent(s) to all the landowners against the acquired land measuring 81 kanal 4 marlas, and not only to the petitioners in respect of their acquired land measuring 55 kanal 8 marlas. This material aspect has been missed by the learned Executing Court while passing the impugned order.

(6). Furthermore, a perusal of the calculations provided in the reply dated 27.07.2013 shows that the total compensation amount was assessed by taking into consideration the market value of chahi land at Rs. 60,000/- per acre and gairmumkin land at Rs. 40,000/- per acre, whereas this Court, in LPA-151-2005 decided on 15.01.2009, re-assessed the market value @ Rs.80,000/- per acre for chahi land and @ Rs.60,000/- per acre for gairmumkin land and as such, by any stretch of imagination, the calculations provided by the respondent(s) in the reply dated 27.07.2013 cannot be said to be conclusive. Moreover, the learned Executing Court also went wrong having observed that re-appropriation of the amount deposited by the respondent(s)-judgment debtors was not claimed by the decree holder-petitioners. Without providing details of the amount awarded in favour of the petitioners and also the amount released in their favour through a comparative chart, the aforementioned observations made by the learned Executing Court cannot be accepted.

(7). In view of the aforesaid discussion, the impugned order dated 27.03.2019 passed by the learned Executing Court is set aside and the matter is remanded back to the learned Executing Court for fresh adjudication by affording due opportunity to both sides to provide their respective calculations and, thereafter, to pass a speaking order supported by reasons after taking into consideration the aforementioned status submitted by both sides. Taking into account the fact that the acquisition of land commenced vide notification dated 16.09.1983 and that a period of more than 40 years has already elapsed, the learned Executing Court is requested to conclude the proceedings preferably within a period of four weeks from

today. The parties are directed to appear before the learned Executing Court on 16.02.2026.

- (8). Disposed of accordingly.
- (9). Pending miscellaneous application(s), if any, shall also stand disposed of.

03.02.2026
smriti

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No