



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 6937 of 2019 (O&M)
and “03” connected cases
Date of Decision: 11.03.2026

Union of India through Defence Estate Officer,
Bathinda

..... Petitioner

Versus

Hari Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anil Chawla, Sr. Panel Counsel, Union of India
for the petitioner(s) (in all cases).

Mr. Arun Bansal, Advocate
for the respondent(s) (in all cases)
(through video-conferencing).

HARKESH MANUJA, J. (ORAL)

This order shall decide the present four (04) revision petitions bearing Civil Revision Nos. **6937 (lead case)**, 6960, 6968 & 6985 of 2019; as the same arise out of common issues / proceedings.

[2] By way of all these petitions, challenge has been laid to order(s) dated 19.09.2019 passed by the Court of learned Additional District Judge, Bathinda-cum-Executing Court.

[3] Briefly stating, some land owned by the respondents forming part of the revenue estates of Villages Mehna, Bathinda and Baghu, District Bathinda came to be acquired vide notifications dated 09.10.1974 & 10.10.1974 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (**for short “1894 Act”**) respectively; followed by an Award dated

11.06.1975. The acquisition was carried out for the defence purposes. Aggrieved by the determination made by the Land Acquisition Collector (for short “LAC”), the respondents-landowners preferred their objections under Section 18 of the 1894 Act which came to be decided on 31.07.1979 by the learned Reference Court. Still aggrieved, the respondents preferred Regular First Appeals (RFAs) which came to be disposed off. However, being dissatisfied, the respondents-landowners preferred intra-Court appeals which were disposed of vide order dated 08.12.1982 passed by the Division Bench of this Court. The operative part thereof is extracted hereunder:-

“ For the reasons recorded above, we fix the following rates of compensation for the acquired land involved in these appeals:-

(1) For land up to a depth of 500 meters along with municipal limits = Rs. 15 per sq. yard.

(2) For rest of the acquired land = Rs. 8/- per sq. yard.

In view of the above, the judgment of the learned Single Judge is modified and it is ordered that the claimants whose land is situate beyond 500 meters from the municipal limits of Bhatinda town, would be entitled to compensation at the rate of Rs. 8/- per sq. Yard. However, the enhancement would not exceed the amount claimed in these appeals on which court fee has already been paid. Besides the above, the claimants would be entitled to 15% solatium and interest at the rate of 6% per annum on the enhanced amount from the date of taking over possession till payment. The appeals accordingly stand allowed to the aforesaid extent, with proportionate costs.

December 8, 1982

(Gokal Chand Mittal)
Judge

(S.S. Sandhawalia)
Chief Justice”

[4] Thereafter, three applications bearing (i) CM No. 2761 of 1986 under Section 151, 152, 153 CPC read with Section 23 (1-A) of the 1894 Act; (ii) CM No. 119 of 1986 under Sections 149, 152, 153 CPC read with

Section 151 CPC; and (iii) CM No. 730 (LPA) of 1990 under Section 151 of CPC, came to be preferred at the instance of respondents-landowners in their Letter Patent Appeal (LPA) which were disposed of vide order dated 04.12.1990. The relevant extract therefrom is extracted hereunder:-

“ The applicant had filed Civil Misc.NO.119 of 1986 to seek permission to make good the deficiency in the court fee and to allow compensation in terms of the decision of this court alongwith solatium and interest. The application was ordered to be heard after the decision of Full Bench in Civil Misc. No.1512 of 1985 in L.P.A. No.235 of 1982. The Full Bench decision is reported as 'Banta Singh Vs. Union of India A.I.R.1988 Punjab and Haryana 308.

Thereafter, Civil Misc. No.730 (LPA) of 1990 has been filed with a prayer to dispose of the matter in terms of the decision in Banta Singh's case (Supra) before us also the learned counsel for the claimant has prayed that the matter be disposed of in terms of the decision of the aforesaid Full Bench. Accordingly, the matter is disposed of in terms of the Full Bench decision in Banta Singh's case (supra) as prayed for.

Civil Misc.NO.2761 of 1986 has been dismissed as having not been pressed.

04.12.1990

(G.C.Mital)
Judge

(G.C.Chahal)
Judge”

[5] Later, the Special Leave Petition preferred at the instance of Union of India was dismissed by the Hon’ble Apex Court on 05.12.2005. Based on the determination made in their favour, the respondent(s)-landowner(s) filed execution application(s) wherein an issue was raised at the hands of petitioner(s)-Union of India herein while submitting that though

the prayer made on behalf of the respondents in their objections under Section 18 of the 1894 Act was for a lesser amount, whereas the assessment made by this Court was for a higher amount; therefore, the respondents-landowners having not paid the requisite Court fee (the balance/deficient Court fee), were not entitled to release of the amount higher than that prayed for by them in their objections under Section 18 of the 1894 Act. The said objections raised by the petitioner were rejected by the learned Executing Court vide order(s) dated 19.09.2019. Hence, the present revision petition(s).

[6] After hearing the learned counsel for parties and having gone through the paper-book, I am unable to find any substance in the submission(s) made on behalf of the petitioner(s)-Union of India.

[7] A perusal of the record shows that vide order dated 04.12.1990 passed in the miscellaneous application by the Hon’ble LPA Bench, the claim of petitioner(s) for carrying out necessary corrections in the judgment dated 08.12.1982 passed by the LPA Bench was allowed in terms of decision rendered by the Full Bench of this Court in case of “***Banta Singh Versus Union of India***”, reported as ***AIR 1988 Punjab and Haryana 308***. It has been brought on record by the respondents-landowners that in ***Banta Singh’s case (supra)***, the petitioner(s) have already been released the enhanced amount as recorded by the learned Executing Court in its order dated 07.01.2012 which reads as under:-

“ *Banta Singh Vs. UOI*
7.1.2012 *Present: Sh.R.S.Jalal, counsel for applicant*
Sh.M.RGupta, advocate fur respondent

Vide separate order this execution petition stands restored and it be registered in its original number.

This Court has heard the learned counsel for both the parties and perused the record.

This execution petition is filed to execute the decree dated 4.12.1990 passed by the Hon'ble High Court of Punjab and Haryana in Latters Patent Appeal No.1169 of 1982. Notice of this execution was issued to the JDs/respondents and JDs appeared and contested the claim of decree holder on the ground that entire amount payable to decree holders is already deposited vide cheque no.276547 dated 3.3.2006 and hence, the JDs prayed for the dismissal of execution petition.

On the other hand, decree holders are claiming that amount of Rs.7,91,587/- is still due against the JDs. This Court got verified the claim of both the parties and verification report is placed on record, which is a detailed one. As per the verification, an amount of Rs.7,80,558/- is still due to be paid by the JDs to the decree holders. This amount is now deposited by the JDs and is lying deposited in the Court as per the report of Nazar. Learned counsel for decree holders submitted that if this amount is paid to the decree holders then this decree is fully satisfied and same be decided as satisfied.

Considering the submissions of both the parties and perusal of record reveals that now the decree is fully satisfied by the JDs. The amount of Rs.7,80,558/- is lying deposited in the Court. This amount is ordered to be paid to the decree holders as per their shares determined in the land reference, subject to the furnishing of surety to the extent of double amount to the satisfaction of this Court. This file is ordered to be consigned to record room being fully satisfied.

*Pronounced.
7.1.2012.*

*(Sukhdev Singh)
Additional District Judge,
Bathinda.”*

[8] Furthermore, the Hon’ble Full Bench while adjudicating upon the case of **Banta Singh (supra)** made the following relevant observations:-

“ We are of the view that such an undesirable practice should be put an end to at the earliest and not encouraged. However, as noticed earlier in the same batch of cases sitting as an appellate court over the Division Bench order, the Supreme Court have given the relief prayed for on the basis that each of the claimants should be paid market value in respect of the land and one should not be deprived of the payment of the market value merely because he had not claimed that much money in the appeal. If the claimants in this case also file an appeal even now before the Supreme Court by way of a special leave petition the Supreme Court may exercise their discretion and grant the relief prayed for by them. Therefore, the Government should take notice of this situation and grant the compensation as prayed for by them after re-determining the same in accordance with the judgment of this case and pay the same as an ex grantia payment and not to drive the parties to file an appeal before the Supreme Court. We have chosen to make these observations on the facts and special circumstances of these cases but it shall not be treated as a precedent nor a ratio be deduced from them. It shall be restricted to the facts of the acquisition made in pursuance of the notification dated October 9, 1974, for the establishment of the military cantonment at Bhatinda.”

[9] Surprisingly, despite there being a specific direction issued in ***Banta Singh’s case (supra)*** for re-determination of the claims made by the landowners by making the ex-grantia payments in their favour so as to bring them at parity with other landowners as regards the amount of market value / compensation against the compulsory acquisition of their land, admittedly no such effort has been made so far by the petitioner.

[10] In such circumstances, the petitioner cannot be granted any undue benefit by depriving the respondents-landowners of their justified claims towards enhancement of compensation as assessed in their favour by

this Court vide order dated 08.12.1982 which subsequently stood approved vide decision dated 04.12.1990.

[11] Resultantly, finding no merits in the present revision petitions, the same are hereby **dismissed**.

[12] Since the main case(s) itself have been decided/dismissed, no orders are required to be passed in the pending miscellaneous applications and the same shall also stand disposed of.

March 11, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>