



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1449-2020 (O&M)

Date of Decision : 21.01.2026

Union of India and Another

... Petitioners

Versus

Shiv Raj Singh (now deceased) through LRs and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mr. Harmeet Singh, Advocate for
Mr. Puneet Sareen, Advocate for the petitioners.

Mr. Sandeep K. Sharma, Advocate
for respondent Nos.1(a) to 1(d).

None for respondent Nos.2 and 3.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 01.11.2019 whereby the application filed by the decree-holder i.e. respondent Nos.1(a) to 1(d) for directing the judgment-debtors i.e. petitioners herein to deposit the decretal amount considering one marla equivalent to 207 sq. ft. instead of 272 sq. ft. and one acre equivalent to 160 marlas, was allowed.

2. Briefly the facts relevant to the present *lis* are that the decree-holder i.e. respondent Nos.1(a) to 1(d) herein filed an application under Section 3(A to G) of the National Highways Act, 1956 read with Rules 2004 as framed upto date thereunder for enhancement of compensation of the land acquired vide award passed by the Competent Authority-cum-Sub Divisional

Magistrate, Mukerian, District Hoshiarpur. The Central Government had issued gazette notification in connection with the development and widening of Jalandhar-Pathankot Section of NH-1A KM 26.00 to 117.150 KM and Pathankot to Jammu Section from KM 4.000 to 16.350 in the State of Punjab and the Competent Authority-cum-Sub Divisional Magistrate, Mukerian, District Hoshiarpur had passed the award in respect of the land belonging to the decree-holder i.e. respondent Nos.1(a) to 1(d) herein measuring 01 Kanal 08 Marlas comprised in Khewat No.397 Khatauni No.503 Khasra No.53//8/2 (1-13), 13/1(1-4) as per Jamabandi for the year 2002-2003 situated on National Highway from Pathankot to Jalandhar falling within the revenue estate of village Bhangala Hadbast No.322, Tehsil Mukerian, District Hoshiarpur. The application for enhancement was allowed by the Arbitrator vide award dated 06.01.2010. In the award itself the Arbitrator had held as under :

“Unit Marla will be of 207 sq. ft. and 160 Marlas in an Acre.

- 1. Price of land is enhanced @ ₹75.00 Lacs per acre for Nehri*
- 2. 9% interest to be paid at enhanced amount from date of acquisition if paid within 60 days from announcement of Award.*
- 3. 15% interest to be paid on enhancement of amount if paid after 60 days from date of announcement of Award.”*

3. The decree-holder i.e. respondent Nos.1(a) to 1(d) herein filed an execution petition. It is apt to notice that there was no challenge laid by the petitioners herein to the award passed by the Arbitrator. Partially the amount was deposited by the judgment-debtors (petitioners herein). Since there was an error in the calculation and a marla was treated equivalent to 272 sq. ft., an

application was filed by the decree-holder i.e. respondent Nos.1(a) to 1(d) for directing the judgment debtors i.e. petitioners herein to deposit the amount by making the calculations treating a marla equivalent to 207 sq. ft. and not 272 sq. ft. Reply was filed to the said application. Vide the impugned order dated 01.11.2019 (Annexure P-8) the application was allowed holding that the Arbitrator had specifically mentioned that one marla would be equivalent to 207 sq. ft. and 160 marlas would be equivalent to an acre and the Executing Court had to execute the award as it is and could not alter or amend the award passed by the Arbitrator. Aggrieved by the same, the present revision petition has been filed.

4. Vide order dated 16.05.2022, while issuing notice of motion, the judgment debtors i.e. the petitioners herein were directed to deposit an amount of ₹28,67,691/- before the Executing Court, which was to be kept in an FDR, and disbursement was to be made subject to the final outcome of the present revision petition.

5. Learned counsel for the judgment debtors i.e. petitioners herein would contend that as per general perception, one marla is equivalent to 272 sq. ft. It is further the contention that since the application has been filed by the judgment debtors i.e. petitioners herein to which a reply has been filed by respondent Nos.1(a) to 1(d) and the Sub Divisional Magistrate, Mukerian hence the issue should be adjudicated upon by the Executing Court. Learned counsel for the judgment debtors i.e. petitioners herein has candidly admitted that no challenge was ever laid to the award passed by the Arbitrator on 06.01.2010.

6. *Per contra* learned counsel for decree-holder respondent Nos.1(a) to 1(d) has contended that since the judgment debtors i.e. petitioners

herein had accepted the award dated 06.01.2010 without laying any challenge, they now cannot turn around to say that the finding given by the Arbitrator that one marla was equivalent to 207 sq. ft. is erroneous and that the Executing Court should now re-adjudicate the said issue.

7. Heard.

8. In the present case the award passed by the Arbitrator clearly reveals that a specific finding was given by the Arbitrator stating that one marla was equivalent to 207 sq. ft. The said finding has been given in bold in the award hence it is not a case where the same could have been missed by either of the parties. The argument of learned counsel for the judgment debtors i.e. petitioners herein that the entire issue should be re-adjudicated upon by the Executing Court as this is a question to be determined by the Executing Court under Section 47 of the Code of Civil Procedure, 1908 cannot be accepted. The Arbitrator had given a specific finding holding that one marla was equivalent to 207 sq. ft. The judgment debtors i.e. petitioners herein chose not to challenge the said award and to accept it as it is. It does not now lie in the mouth of judgment debtors i.e. petitioners herein to say that one marla is equivalent to 272 sq. ft.

9. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO