
(2008) 12 P&H CK 0038
In the Punjab And Haryana At Chandigarh

Union of India (UOI)	Vs	APPELLANT
Mukhtiar Kaur and Others		RESPONDENT

Date of Decision : 01-12-2008

Acts Referred:

Constitution of India, 1950 — Article 227
Land Acquisition Act, 1894 — Section 18

Citation : (2009) 3 PLR 665

Hon'ble Judges : Vinod K.Sharma, J

Bench : Single Bench

Judgement

Vinod K. Sharma, J.—This order shall dispose of civil revisions No. 2078 of 2005 titled as "Union of India v. Gurnam Kaur" and Ors. C.R. No. 444 of 2007 titled as "Union of India v. Mukhtiar Kaur and Ors." C.R. No. 3354 of 1991 titled as "Union of India v. Jhumba" and C.R. No. 3353 of 1991 titled as "Union of India v. Ajaib Singh" as common questions of law and fact are involved in these revision petitions. For brevity, the facts have been taken from Civil Revision No. 444 of 2007.

2. The petitioner, Union of India, has invoked the jurisdiction of this Court under Article 227 of the Constitution of India to impugn the order dated 11th June, 2002 attached as Annexure P-4 vide which their objections in the execution application have been ordered to be dismissed.

3. The petitioner, Union of India, acquired land of six villages at District Bathinda for purposes of Ministry of defence. Union of India also acquired the land of the respondents measuring 14 Kanals 10 marlas (1.8125 acres) (Nehri) in village Bhucho Kalan and the award qua the acquired land was announced on 13th March, 1981.

4. The land owner challenged compensation awarded by invoking provisions of Section 18 of the Land Acquisition Act, the compensation was enhanced by the learned Additional District Judge, and thereafter by this Court in Regular First Appeal. The order passed by the Hon"ble Single Bench of this Court was

challenged in the Letters Patent Appeal and thereafter in SLP before the Hon''ble Supreme Court which were dismissed and the compensation awarded was affirmed. There is, therefore, no dispute regarding compensation in the present case.

5. The petitioner raised objections claiming that the learned Single Judge in RFA has erroneously clubbed Kharja Chak with abadi deh of other village presuming that Kharja Chak was also a village. The plea raised was that Kharja Chak means an estate which during consolidation is excluded from one village and included in other village. It was also claimed that in the present case, the land of the decree-holder was included with the other land declared Kharja Chak during consolidation on transfer from Bhucho Khurd to Bhucho Kalan.

6. The contention of the Union of India was rejected by learned Executing Court by holding that executing Court cannot go behind the decree.

7. Learned Counsel for the petitioner contends that once Kharja Chak was not to be included in the abadi deh of the village, the decree holder was not entitled to any compensation for the said land. However, the plea of the petitioner cannot be accepted. It is not in dispute that the land falling in the Kharja Chak also stands acquired and the land belongs to the decree holder. The executing Court was not entitled to go behind the decree to find out whether the compensation awarded was just and fair, it was to execute the decree as passed. Even otherwise, whatever definition be given to the land, once the land has been acquired and compensation assessed, the Union of India is bound to pay compensation so assessed and cannot contend that no compensation was liable to be paid or less payment was liable to be made than the decree before the learned executing Court.

8. Thus, there is no merit in the present revisions. Dismissed.