
(2011) 03 P&H CK 0565
In the Punjab And Haryana At Chandigarh
Case No : CR No. 170 of 2011

Union of India (UOI)

APPELLANT

Vs

Nachhattar Singh and Others

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Constitution of India, 1950 — Article 227
Land Acquisition Act, 1894 — Section 18, 4, 6

Citation : (2011) 03 P&H CK 0565

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Jaswant Singh, J.—This revision petition under Article 227 of the Constitution is directed against the order dated 23.9.2009 passed by learned Executing Court whereby the Petitioner-Union of India has been directed to pay Rs. 3,54,574.49 as balance amount of compensation.

2. Briefly noticed the facts of the present case are land of the Respondents along with others was acquired by Government of India vide notifications dated 8.6.1979 and 26.10.1979 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short the Act). The Land Acquisition Collector pronounced the award on 30.3.1981 and the awarded compensation was paid to the Respondents. Thereafter they filed reference u/s 18 of the Act and compensation was further enhanced by the learned Additional District Judge vide award dated 6.11.1985. Still dis-satisfied, the Respondents as well as Petitioner-UOI filed Regular First Appeals in this Court and vide order dated 21.5.1987 the compensation was further enhanced. Still further Respondents as well as UOI filed LP As which were disposed of vide order dated 30.1.1989 on the basis of decision of this Court in RFA No. 440 of 1986. Petitioner-UOI filed SLP against the order dated 30.1.1989 which was allowed and benefit of Section 23(1A) was set aside. The Respondents/deed holders filed execution petitions and to satisfy

the same the Petitioner-UOI had deposited the entire decretal amount. It appears that after the decision of Hon''ble the Supreme Court in Gurpreet Singh v. Union of India 2008(2) RCR (Civil) 207, permitting interest on solatium being part of compensation, in case the same was allowed by the Reference Court or the Appellate Court, fresh applications by the Respondents/decreed holders along with calculation sheets in terms of judgment of Hon''ble the Supreme Court in Gurpreet Singh's case (supra) were filed in the execution proceedings. As per calculation sheets attached with the execution petitions, the decree holders claimed interest on solatium in terms of judgment in Gurpreet Singh's case supra. The Executing Court after taking into consideration the calculation sheet directed the Petitioner-judgment debtor to pay an amount of Rs. 3,54,574.49 to the decree holders whose land was acquired way back in the year 1979. Aggrieved against the same, UOI/judgment debtor has filed the present revision petition.

3. It is submitted by the learned Counsel for the Petitioner that the calculation sheet, on the basis of which an amount of Rs. 3,54,574.49 has been found due towards judgment Debtor-UOI is not in accordance with the judgment of Hon''ble the Supreme Court in Gurpreet Singh's case (supra).

4. After hearing the learned Counsel for the Petitioner, I find no merit in this submission of the learned Counsel. This Court in identical matters in respect of other co-land owners having been granted similar relief in petitions bearing (Union of India v. Mukhtiar Singh and Ors. CR No. 6040/2009 and (Union of India and Anr. v. Jagbeant Singh CR No. 4949/2010 decided on 17.8.2010) has already considered the similar plea raised on behalf of the Petitioner and found that there is no legal infirmity in the impugned order. In my opinion, the calculation sheets submitted by the Respondents, which are part of the paper book, and the amount found due is in conformity with the judgment of Hon''ble the Supreme Court in Gurpreet Singh's case (supra) and no fault can be found with the same. No material has been placed on record to show how the calculation sheets are incorrect.

5. Dismissed.