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

CR-857-2025

Date of Decision: 10.02.2025

Pathankot Improvement Trust through its Chairman

...Petitioner

VERSUS

Bhagwant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Dharam Vir Sharma, Sr. Advocate with
Ms. Sunder Kumari, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 19.10.2024 passed by District Judge-cum-Executing Court, Pathankot.

2. Briefly stating, feeling dissatisfied with the compensation awarded on account of acquisition of land situated in Village Pathankot, respondent No.1 sought reference which came to be adjudicated upon by the District Judge-cum-President, Improvement Trust Tribunal, Pathankot vide order dated 07.10.2022, while granting the following reliefs:-

“22. In view of my findings on the above said issues, this application is accepted with costs. The applicants are entitled for Rs.1,16,200/- per marla as compensation of acquired land. They are also entitled for 12% increase on the market



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value for the period commencing on land from the date of notification under Section 4 of the Act till the date of the Award of the Collector or taking possession which ever is earlier under Section 23 (1) (A) of the Act, solatium @ 30%, interest @ 9% p.a. for the first year and @ 15% p.a. for the subsequent years till the payment of amount. However, the amount of the award will be adjusted to the extent, the Collector has already awarded any compensation, which have been received by the applicant. Counsel fee is assessed at Rs.3,000/-. Memo of costs be prepared. File be arranged, indexed, compiled and consigned to the Record Room.”

3. Based thereupon, the landowner/ respondent No.1 sought execution, wherein the petitioner/ judgment debtor (JD) failed to deposit even a single penny thereby compelling respondent No.1-landowner/ decree holder (DH) to file application under Order 21 Rule 41 CPC for directing the JD to furnish the details of properties. The said application was opposed at the instance of JD by filing reply. The Executing Court vide its order dated 19.10.2024 disposed of the said application with the following observations:-

“5. As earlier, this Court has already attached the property on 01.01.2024 duly reflected in order dated 15.01.2024. However, JDs are objecting to the earlier attachment on the ground that major part of the attached property does not belong to Judgment debtors i.e. Improvement Trust Pathankot. The part of the property is sold in open auction and part of it is sold by way of



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allotment and lottery and some part of it is public use as Gair Mumkin Rasta/ Sarak. It is also objected that some of the property is purchased by different persons cannot be put to sale.

6. *As per the properties attached by this court are claimed to be purchased by others and properties have been allotted to other persons. In fitness of thing, it would be best that the judgment debtors are directed to declare the properties which are in their ownership and possession and not allotted or sold to anyone else. Hence, the earlier attachment is ordered to be withdrawn and JDs are directed by this order to disclose the properties in their ownership and possession by way of affidavit. The application under Order 21 Rule 41 CPC is disposed of with the aforesaid directions.”*

4. Learned Senior counsel for the petitioner vehemently submits that since the reference seeking enhancement was invoked at the instance of respondent No.1/ landowner after around 05 years of the award dated 26.07.2011, the Reference Court committed an illegality while entertaining the reference petition and thus the award dated 07.10.2022 passed by the District Judge-cum-President, Improvement Trust Tribunal, Pathankot could not be executed.

5. I have heard learned Senior counsel for the petitioner and gone through the paper-book.

6. As per the settled cannons of law, the Executing Court cannot travel beyond the decree/ award passed by the Reference



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Court and thus no such plea as raised by the learned Senior counsel can be entertained at this stage in a civil revision arising out of the execution proceedings.

7. Moreover, the order passed by the Executing Court appears to be most justifiable as the JD has merely been directed to disclose the property under its ownership and possession by way of filing an affidavit.

8. Thus, finding no illegality or perversity with the impugned order dated 19.10.2024 passed by the Executing Court, the present revision petition being devoid of merits, is hereby dismissed.

9. Pending misc. application(s), if any, shall also stand disposed of.

10.02.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No