



CR No.7574 of 2023 (O&M)

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

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**CR No.7574 of 2023 (O&M)
Date of Decision: 01.08.2025****MOHAN SINGH AND OTHERS**Petitioners
Vs
STATE OF HARYANA AND OTHERS ...Respondents**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Mohan Singh, Petitioner No.1 in-person.

Ms. Komal Sharma, D.A.G., Haryana.

Mr. Pritam Singh Saini, Advocate with
Ms.Parul Saini, Advocate
for respondent No.3.

HARKESH MANUJA, J. (Oral)**CM Nos.10865-CII & 14865-CII of 2025**

For the reasons mentioned in the applications, the same are allowed.

Accompanying documents are taken on record, subject to all just exceptions.

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1. Present petition laid challenge to an order dated 20.10.2023 passed by the Executing Court, whereby the execution petition filed at the instance of petitioners/landowners was disposed of being fully satisfied.

2. On 24.02.2025 upon hearing petitioner No.1 in-person and also the learned counsel representing the respondents, following order was passed by this Court:-

“Challenge in the present petition is to an order dated 20.10.2023 passed by the Executing Court, whereby, the execution petition filed at the instance of petitioners-landowners has been dismissed being satisfied.

Two claims set up by petitioner are that though the award was passed on 18.01.2002, whereas, the interest was paid to him from 26.05.2004 i.e. from the date of entry of Rapat Roznamcha regarding

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transfer of possession of acquired land to the respondents and further that no interest was calculated from 31.01.2017 till 12.07.2017 as the interest was only calculated up to 31.01.2017, whereas, it was released through RTGS on 12.07.2017.

On the contrary, learned counsel for the respondents submits that a perusal of award dated 18.01.2002 passed by the Land Acquisition Collector itself shows that possession as on the said date was with the land owners as their Rabi crops were standing over it and thus, possession could not be taken. However, no plausible explanation has been rendered for not calculating interest w.e.f. 31.01.2017 to 12.07.2017 by learned counsel representing the respondents.

Having argued for some time, learned counsel for the petitioners prays for time to refer to Girdawari entry between the date of passing of the award till the date of entry of Roznamcha about delivery of possession of the acquired land.

Adjourned to 01.03.2025.

Henceforth, to be shown in the Urgent List.”

3. Upon hearing petitioner No.1 in-person and the learned counsel representing the respondents today, it is apparent that in the present case there is a serious dispute with respect to the taking over of the possession of acquired land. As per petitioners, the possession of land was taken over on 18.01.2002 i.e. the date when the award was passed and the land in question stood vested with the respondents/State and thus the petitioners/landowners are entitled for statutory interest under Section 34 of the Land Acquisition Act, 1894 from the date of taking over of possession of acquired land i.e. 18.01.2002. Whereas on the other hand, while relying upon *Rapat* dated 26.05.2004 entered in the *Roznamacha* by the concerned Patwari, it has been argued by learned counsel representing respondent No.3 that the possession of the acquired land was taken over on 26.05.2004 and thus the petitioners were not entitled for grant of interest from the date of award till



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the date of taking over of actual physical possession and consequently, there was no illegality in the order passed by the Executing Court.

4. Upon cumulative analysis of facts and circumstances of the case at hand and after hearing both the parties, it can be discerned that the sole question to be adjudicated upon by the Executing Court was as to whether the possession of the acquired land was taken over from the petitioners/landowners on 18.01.2002 or 26.05.2004 and for determination of the said factual aspect, the Executing Court could have afforded opportunity of leading evidence to both the sides so as to establish their respective stands. No such procedure was adopted by the learned Executing Court.

5. Thus, considering the fact that the determination of factual aspect with respect to the taking over of the possession of acquired land from the petitioners/landowners needs to be determined after grant of opportunity to both the sides, the order dated 20.10.2023 passed by the Executing Court is hereby set aside. As such, the Executing Court is requested to restore the Execution Petition to its original number for its fresh adjudication after affording opportunity to lead evidence to both the sides on the aspect of taking over of possession of acquired land. The petitioners shall also be at liberty to agitate their claim with respect to grant of interest from 31.01.2017 till 12.07.2017.

6. With the aforesaid observation, the instant petition stands disposed of. All pending application(s), if any, shall also stand disposed of. The parties are directed to appear before learned Executing Court on 20.08.2025 for further proceedings.

August 01, 2025

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**(HARKESH MANUJA)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No