

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

C.R.No.7567 of 2013 (O&M)

Date of Decision: November 27, 2015

Arun Kumar Arora

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Adarsh Jain, Advocate,
for the petitioner.

Mr.R.K.Singla, AAG, Haryana,
for the State.

AMIT RAWAL, J. (Oral)

Petitioner Arun Kumar Arora son of Hari Kishan, claimant in petition under Section 30 of the Land Acquisition Act, 1894 (for short "1894 Act"), is aggrieved against the order dated 22.7.2013, whereby the decree-holder has been held entitled for interest @ 7.5% per annum from 24.11.1999 till actual payment, in essence, he has been denied the other statutory benefits and the compensation amount.

Mr.Adarsh Jain, learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to Annexure P-1, the order dated 24.11.1999, whereby, while allowing the petition under Section 30 of 1894 Act, the Additional District Judge, Faridabad, held that the petitioner is entitled to compensation of the suit land @ ₹101/- per square yard along

with statutory benefits under Sections 23 (1-A), 23(2) and 28 of 1894 Act. Thereafter, a calculation application was filed, which was not disputed by the State, but for the reasons best known, the Executing Court disposed of the execution application as having been satisfied. He further submits that once there is an apparent finding that the petitioner is entitled to statutory benefits, the Additional District Judge, vide impugned order cannot dispose of the execution petition while declining the statutory benefits and as well as calculation submitted claiming the outstanding compensation.

Mr.R.K.Singla, learned Assistant Advocate General, Haryana appearing on behalf of the State submits that there is no illegality and perversity in the order under challenge. The Executing Court has rightly disposed of the execution application based upon the previous findings.

I have heard the learned counsel for the parties and appraised the paper book.

It would be apt to reproduce the operative part of the order dated 24.11.1999, which reads thus:-

“In view of Ex.P1 and Ex.P2, the matter stands clinched in favour of the petitioner and thus, I hereby decide this issue holding that the petitioner is entitled to receive the entire compensation in respect of suit land bearing khasra No.94/3/2. It may also be pointed out at this stage that state cannot refuse to pay the compensation to the petitioner, awarded by LAC, on the ground that the same has already been paid to Mangal Singh and others, because in view of the settled law the payment made illegally to any person is the responsibility of the State to recover the same. The petitioner cannot be compelled to take the steps to recover that amount from Mangal Singh and others.

ISSUE NO.3: *Relief.*

10. *As a result of the findings recorded by me on the*

issues, I hereby decide that the petitioner Hari Krishan is entitled to compensation of the suit land @ Rs.101/- per sq.yd. alongwith statutory benefits U/S 23(1-A), 23(2) and 28 of the Land Acquisition Act. Memo of cost be prepared accordingly. File be consigned to the records room.”

Vide impugned order, the Executing Court, in my view, has committed illegality in declining the relief of statutory benefits. It appears that the Executing Court, while passing the impugned order, was oblivious of the order dated 24.11.1999. In my view, the petitioner could not have been denied statutory benefits and the outstanding compensation.

Accordingly, in view of what has been noticed above, particularly the order dated 24.11.1999, the impugned order is set-aside. The matter is remitted back to the Executing Court to decide the execution application afresh.

The revision petition stands allowed.

November 27, 2015
ramesh

(AMIT RAWAL)
JUDGE