

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

**CR No. 2455 of 2015
Date of decision : 15.09.2016**

State of Punjab & Anr. Petitioners

versus

Punjab Wakf Board & Anr. Respondents

CORAM : HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present : Mr. Anil Sharma, Addl. A.G. Punjab.

Mr. G.N. Malik, Advocate
for respondent No. 1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed order dated 31.05.2013 passed by Additional District Judge (Adhoc), Fast Track Court, Bathinda vide which application for recalling of order dated 31.03.2011 passed by the Court was declined.

[2]. Land of Punjab Wakf Board was acquired by the Industrial Department Punjab for setting up of growth centre at Bathinda vide notification dated 06.04.1992 issued under Section 4 of Land Acquisition Act and notification dated 08.04.1992 issued under Section 6 of the Land Acquisition Act (for short 'the Act').

[3]. An award was passed by Collector on 03.04.1995. One

Buta Singh tenant under Punjab Wakf Board filed a reference under Section 18 of the Act for enhancement of compensation without impleading Punjab Wakf Board as a party to it. Punjab Wakf Board also did not file any reference under Section 18 of the Act, nor filed any petition under Section 28-A of the Act on determination of enhanced compensation at the instance of the tenant.

[4]. An execution was filed by the Punjab Wakf Board before the executing Court on 13.01.2007 seeking payment of enhanced compensation.

[5]. On 31.03.2011 learned Additional District Judge(Adhoc), Fast Track Court, Bathinda passed the following order:-

“Warrants of attachment not issued by the Ahlmad. Representative of the JD stated at bar that proposals has been sent to the higher authorities for making payment. In the interest of justice, payment be made within two months, till then present execution application, adjourned sine die and will be taken up on the application either of party. File be consigned.”

[6]. Thereafter, Punjab Wakf Board moved an application for revival of the order and the petitioner herein moved an application for

recalling of the order on the ground that a person who made the

statement was not competent to make that statement. In execution petition objections were also filed, but the same remained undecided till date. Learned Additional District Judge vide order dated 31.05.2013 allowed the application of the Punjab Wakf Board for revival of the execution and dismissed the application of the petitioners on the ground of limitation.

[7]. I have considered the controversy to some extent with the assistance of learned counsel appearing for the parties.

[8]. In my considered view the entire controversy can be put at rest by directing the executing Court to decide the pending objections filed by the petitioners, at this stage. Basic controversy appears to be with regard to entitlement of Punjab Wakf Board viz. enhanced compensation and the said controversy is required to be answered by the executing Court on merits. The plea regarding revival of execution proceedings or recalling of order dated 31.03.2011 passed by learned Additional District Judge, Fast Track Court, Bathinda would be of no consequence, in case entitlement of Punjab Wakf Board with regard to enhanced compensation is decided by the executing Court by providing ample opportunities to both the sides

set aside to the extent of recalling order dated 31.05.2011 passed by the learned Additional District Judge(Adhoc), Fast Track Court, Bathinda and the Courts below need to be directed that the pending objections filed by the objectors be decided forthwith after following proper procedure. Order dated 31.05.2013 passed by the Court be kept in abeyance till decision of objections by the learned Additional District Judge(Adhoc), Fast Track Court, Bathinda.

In view of aforesaid, the present revision petition stands disposed of.

15.09.2016

Yogesh

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned	Yes/No
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Whether Reportable :	Yes/No
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