

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7680 of 2013

Date of Decision: 12.04.2016

Raj Kumar

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Jaivir Yadav, Advocate
for the petitioner(s).

Mr. Kapil Bansal, Deputy Advocate General,
Haryana, for the respondent(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 7.9.2013, passed by learned Additional District Judge, Faridabad, whereby execution application, filed by the present petitioner, was dismissed.

Learned counsel for the petitioner submitted that the Court below fell in error while passing the order under challenge as the order dated 19.3.2010, whereby compensation was awarded to the petitioner at the rate of ₹ 165/- per square yard, had attained finality and the

Executing Court could not go beyond that. The Court below has erroneously dismissed the execution petition. More so, similarly situated persons had already been disbursed compensation at the rate of ₹ 165/- per square yard. The Executing Court has given premium to the inaction of the respondent-State in not challenging the decision rendered by this Court in Regular First Appeal No. 2578 of 2002 and the present petition be accepted and order dated 7.9.2013 be set aside.

On 29.1.2016, learned State counsel sought adjournment to verify the fact whether any review application has been filed against the order dated 19.3.2010 or not and on instructions, learned State counsel submitted that no review application has been filed and as such order dated 19.3.2010 has already attained finality.

Undisputedly, the order dated 19.3.2010 awarding compensation at the rate of ₹ 165/- per square yard has already attained finality and similarly placed land holders have also been awarded the same amount of compensation. The stand taken by the State in the reply filed to the execution petition was that petitioner had obtained order dated 19.3.2010 passed in Regular First Appeal No. 2578 of 2002 on the basis of which present execution was filed. At that time, State had taken the stand that Regular First Appeal is still pending against the decision dated 5.5.2009. The said litigation has already been decided by Hon'ble the Apex Court by way of Civil Appeal No. 11042 of 2014 on 10.12.2014 and the compensation was awarded at the rate of ₹ 175/- per square yard in respect of all kinds of land

situated in Sectors 58 & 59, Faridabad and the civil appeals were allowed. Learned State counsel has taken the stand that no review application was filed.

In view of the stand taken by learned State counsel that no review application has been filed against the order dated 19.3.2010, the said matter has attained finality and the petitioner is certainly entitled to receive the said amount. Hence, present petition is hereby accepted and order dated 7.9.2013 is hereby set aside.

(Shekher Dhawan)
Judge

April 12, 2016

"DK"