

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

RSA-841-2014 (O&M)
Date of decision: 16.05.2016

STATE OF HARYANA AND ANR.

...Appellants

Versus

SURENDER KUMAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Saurabh Mohunta, DAG, Haryana
assisted by A. S. Suhag, XEN, RLI Division, Jhajjar

Mr. A. P. Bhandari, Advocate
for the respondents.

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JITENDRA CHAUHAN, J.
CM No.1876-C of 2014

The learned counsel for the respondents does not wish to
file reply to the delay application.

After hearing the learned counsel for the parties and for the
reasons contained in the application, which is duly supported by an
affidavit, same is allowed and delay of 59 days in filing the present
appeal is condoned.

Main Case

The learned State counsel has placed on record the proposal
prepared by the XEN, RLI Division, Jhajjar.

A copy of the same is handed over to the learned counsel for the respondents.

After going through the proposal, the learned counsel for the respondents states that he has instructions to accept the proposal 'A' along with some amount in the form of compensation or rent for using and occupying the land in the interregnum period.

Heard.

The area approximately 16 Marlas remained under the occupation of the appellants from the year 1962 to 2016. However, this has also come on record that the physical possession of the land was taken over by the appellants in the year 1999. The appellants remained in possession of the land for almost 16 to 17 years, therefore, keeping in view the prevalent rates of the area, this Court feels that another amount ₹50,000/- as compensation, along with proposal 'A' will meet the ends of justice.

The learned State counsel assures that the passage as described under proposal 'A' shall be provided within four months from the receipt of a certified copy of this judgment. However, the amount of compensation i.e. ₹50,000/- shall be paid to the respondents within four weeks from the receipt of a certified copy of this judgment. Further, the construction will be laid down by the appellants not later than 30.09.2016.

Considering the fact that the decision is to be taken by the

competent authority, the proposal has been sent by them and the fact that the proposal is to be acted upon by the competent authority, in case, the competent authority declines to accept the proposal 'A', in that eventuality the respondents are free to revive the present appeal. The proposal which has already been sent to the competent authority is to be finalised within six weeks from today.

A copy of the order be given to the learned State counsel duly attested by the Bench Secretary of this Court.

16.05.2016

ashok/atulsethi

**(JITENDRA CHAUHAN)
JUDGE**