

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

COCP No.1130 of 2016

Date of Decision: 02.02.2017

Gurcharan Singh

....Petitioner

Versus

A. Venu Prasad and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. J.P.S. Sidhu, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. A.G., Punjab

DAYA CHAUDHARY, J. (ORAL)

Vide order dated 26.11.2014 passed in CWP No.24084 of 2014, the Land Acquisition Collector-respondent No.3 was directed to hold a fact-finding enquiry, if needed and to determine as to whether the petitioners are co-sharers to the extent they have claimed. It was also mentioned therein that in case, the petitioners are found to be owners of the part of the acquired land, the State authorities were directed to release compensation to them in accordance with law. The needful was to be done within a period of three months from the date of receipt of a certified copy of the order dated 26.11.2014.

On non-compliance of said order, the petitioner has approached this Court by way of filing the present COCP, in which, notice of motion was issued to respondent No.3.

In response to notice of motion, reply has been filed which is

on record. The stand taken in paras No.4 to 6 of the reply is reproduced as under :-

“4. That in compliance of the above mentioned order dated 26.11.2014 of this Hon'ble Court, an enquiry was conducted and records concerned with the petitioner were re-examined by my predecessor. From the office records, it had been concluded that total land measuring 318.82 marlas of the petitioner was acquired for this project out of which 296.37 marlas land was of Nehri type and 22.45 marlas land was of barani type. This land included the land measuring 28.366 marlas that has been acquired from khewat number 232 and that has been referred in the contempt petition and whose compensation has been claimed in CWP No.24084 of 2014.

5. That after re-examination of records, it had been concluded that for his entire acquired land, he has to be paid including all statutory benefits as per the Land Acquisition Act, 1894, a compensation of Rs.50,70,155/- and an interest of Rs.2,44,034/-. So total compensation amount that he should be paid was calculated as Rs.53,14,189/- but from the office payments records, it was found that he has been paid Rs.57,27,327/- i.e an extra payment of Rs.4,13,138/- had been paid to him which was recoverable.

6. That when the petitioner was conveyed regarding this fact, then he deposited the extra payment of Rs.4,13,138/- vide HDFC Bank demand draft No.000564 dated 07.04.2015 in Land Acquisition Collector Office, Budhlada.”

As per stand taken in the reply, the total compensation has been paid to the petitioner. Rather, it has been stated that the petitioner has been paid much more amount than his entitlement and that amount has also been

refunded by him.

Learned counsel for the petitioner submits that the petitioner is entitled for more amount and interest as well. He further submits that the petitioner was owner of 02 *khewat* and he has been paid the share of 01 *khewat* only.

Since the fact finding enquiry has been conducted and the order has been passed but still the compensation has not been stated to be granted to the petitioner as per his entitlement. It is also apparent that no order has been conveyed to the petitioner. The petitioner is directed to file a comprehensive representation to respondent No.3 within a period of two weeks from the date of receipt of certified copy of the order and thereafter, respondent No.3 is directed to consider the same and pass necessary speaking order within a period of one month.

However, in case, the presence of the petitioner is required, he may also be given an opportunity of hearing and in case, he is found to be entitled as per grounds taken in the subsequent representation, the amount be released to him and in case, any adverse order is to be passed, a detailed order be passed in accordance with law.

Petitioner is entitled to avail the appropriate remedy.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

02.02.2017
gupreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes