

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

CR No.7053 of 2017 (O&M)

Date of decision : 24.10.2017

Sanjay (deceased) through his LR's.

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate for the petitioners.

Mr. Ankur Mittal, Advocate for HUDA.

ANIL KSHETARPAL, J. (ORAL)

CM No.21887-CII of 2017

Application is allowed, subject to all just exceptions.

Legal heirs as mentioned in para No.2 of the application are ordered to be brought on record for the purpose of prosecuting the present revision petition.

Main case

The landowners, whose land was compulsorily acquired, are in revision petition against the order passed by the Executing Court.

Learned counsel for the petitioner has brought to the notice of this Court the order dated 01.07.2017 to contend that the amount enhanced by the Court has already been received. Learned counsel has further referred to the subsequent order passed by the Hon'ble Division Bench dated 09.10.2017. The relevant portion of the same reads as under:-

“After hearing learned counsel for the State and considering the the facts noticed above, especially availability of funds

with the State/HUDA, in our view, the landowners, in whose cases assessment of compensation is final upto Hon'ble the Supreme Court, can be paid the amount of compensation as in those cases the acquisition will be quite old. In case the landowners in those cases have not filed execution petitions, the State/HUDA shall be at liberty to deposit the amount with reference court with specific notices to the landowners concerned in whose cases the amount is being deposited, to enable them to withdraw the same. Public notice be also given in the newspapers having circulation in the area informing the landowners about the steps taken for deposit of compensation in court. Efforts should also be made by informing the landowners wherever possible through the Gram Panchayats concerned.”

Learned counsel for the petitioner has further submitted that neither the State Government nor the Haryana Urban Development Authority are in appeal against the award passed by the learned Additional District Judge.

In these circumstances, this Court does not find any reason to withhold the payment which has already been received in the Court.

Learned Executing Court is requested to take steps to release the payment immediately. However, learned counsel for the Haryana Urban Development Authority shall be at liberty to move an application for recall of this order if the statement given by the learned counsel is wrong.

Revision petition is disposed of.

24.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No