

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6952-2017 (O&M)
Date of Decision: July 27, 2017

Om Parkash and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Kumar, Advocate,
for Mr. Vikram Singh, Advocate, for the petitioners.

Ms. Ruksaar Sandhu, AAG, Punjab,
for respondent Nos. 1 and 2.

Mr. Tarun Vir Singh Lehal, Advocate,
for respondent No. 3.

ARUN PALLI, J. (ORAL)

CM-9903-2017:

Allowed as prayed for. Reply by way of affidavit alongwith Annexure R-2/1, filed on behalf of respondent Nos. 1 and 2, is taken on record.

CWP-6952-2017:

This is a petition under Articles 226/227 of the Constitution of India praying for a writ in the nature of mandamus directing the respondents to deposit the compensation that has been awarded by the Reference Court to the petitioners. And also to take action on their application, dated 24.08.2016 (Annexure P-1).

The facts that are required to be noticed are limited and not in dispute.

Vide notification issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), a land measuring 295.12 acres, situated in village Gho, was acquired by the State Government for setting up

a Growth Centre at Pathankot. Vide award dated 30.05.1994, the Land Acquisition Collector assessed the market value of the acquired land, in terms of its nature and quality by awarding different rates. Being aggrieved by the assessment as also the compensation awarded by the Collector, the petitioners filed objections under Section 18 of the Act. And the Reference Court, vide award dated 28.01.2016, enhanced the compensation to Rs.1,600/- per marla.

The grievance of the petitioners is that over a year has gone by but the amount awarded by the Reference Court has not been disbursed by respondent No. 3.

Needless to assert that award rendered by the Reference Court is akin to a money decree. And in the absence of any stay by the appellate Court, the claimant/landowners could always seek execution thereof. In fact, the execution petition preferred by the petitioners is pending. And, the Executing Court is seized of the matter. If the petitioners were indeed aggrieved on account of prolongation of the proceedings before the Executing Court, they ought to have moved the said Court itself in the first instance for expeditious disposal of the proceedings. There is hardly any doubt and rather this Court is sanguine that the Executing Court shall make every endeavour to decide the matter at the earliest.

That being so, no ground is made out to interfere in the extraordinary jurisdiction at this stage. The petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

July 27, 2017
Pkapor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO