

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

RSA No.1390 of 2015 (O & M)

Date of Decision:-15.02.2017

Xen, Public Works Department and others

...Appellants

Versus

Sucha Singh (deceased) through LR's and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajinder Goyal, Additional A.G., Punjab.

HARI PAL VERMA J.(Oral)

The appellants/defendants have filed the present regular second appeal against the judgment and decree dated 14.11.2014 passed by learned District Judge, Rupnagar. Vide judgment dated 23.7.2013, passed by learned Civil Judge (Junior Division), the suit filed by the plaintiff was dismissed, however, the appeal was accepted by the lower Appellate Court and suit was decreed.

As a consequence thereof, the relief of possession of Khasra No.320 (0-13) was decreed and after removal of the material of the road on the aforesaid Khasra number in the suit, the respondent/plaintiff was held entitled to recover Rs.2500/- per acre as mesne profit for a period of three years prior to the filing of the suit. Since neither the land was acquired nor mesne profit was released to the respondent/plaintiff, the concerned Deputy

Commissioner, Ropar was directed to remain present so as to settle the dispute. Still the claim was not settled, therefore, vide order dated 1.2.2017, this Court has directed the Chief Secretary, State of Punjab to remain present in Court. Thereafter, an application supported by an affidavit of the Chief Secretary was filed that State has decided in principle to acquire the land in question and further to pay compensation to the rightful owners in accordance with law. The said affidavit was based on the intimation given by the Principal Secretary, PWD, Punjab.

Learned State counsel on the strength of the C.M. No.1907-C of 2017 has submitted that the Government has now decided to acquire the land in question. Therefore, in order to implement the order dated 14.11.2014 passed by learned District Judge, Rupnagar, the State would acquire the land and would pay the compensation to the rightful owner in accordance with law. Learned State counsel has further submitted that the appellants now wishes to withdraw the present appeal, and would satisfy the decree passed by learned District Judge, Ropar.

In view of the above, the present appeal is dismissed as withdrawn.

February 15, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No