

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CM No.10423-24-C of 2017 in/and
RSA No.4056 of 2017 (O&M)
Date of Decision : 24.08.2017

State of Punjab and others

..... Appellants

Versus

Surinder Kaur and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. H.S. Sitta, AAG, Punjab
for the appellants-State.

AJAY TEWARI, J. (Oral)

CM-10423-C-2017

This is an application for condoning the delay of 75 days in
filing the appeal.

For the reasons recorded, the application is allowed subject to
all just exceptions. Delay condoned.

CM-10424-C-2017

For the reasons recorded, the application is allowed subject to
all just exceptions. Exemption from filing true typed copies of the
documents are allowed.

RSA-4056-2017

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit of the respondents for mandatory injunction directing the appellants-State to initiate and complete the proceedings relating to acquisition of land which had been divested from the respondents illegally.

The claim of the respondents was that they were owners of large tracts of land in Ferozepur. The other members of the family had initiated litigation with respect to the lands in which they had been shown as co-owner and in which the appellants had made roads and those litigations were allowed in favour of other members of the family and the appellants had paid compensation to them but no compensation was paid to the respondents who are identically situated. Upon notice having been issued the appellants appeared but did not file a written statement. Ultimately the Court was left with no alternative but to strike off their defence and then proceeded to try the case. The respondents placed on record the copies of the judgments and other evidence and the Courts below after considering the previous judgments came to the record decreed the suit and directed the appellants to pay compensation alongwith interest for the land mentioned in the suit within six months from the date of the judgment, failing which, the respondents would be entitled to take the possession of the land.

Learned Assistant Advocate General has not been to persuade me how the findings are wrong in view of the fact that the defence of the appellants had to be struck off by the Courts and the fact that in similarly situated cases the appellants had paid compensation to the land owners.

In the circumstances, I am constrained to dismiss this appeal.

Ordered accordingly. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

August 24, 2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No