

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

**C.O.C.P. No. 1140 of 2017 (O&M)
Date of Decision: 30.04.2018**

Parshan Kaur and others

..... Petitioner

Versus

A.K. Upadhyay, Secretary, Ministry of Transport &
Highways, New Delhi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Manpreet Kaur, Advocate for
Mr. Harsh Bungar, Advocate
for the petitioners.

Mr. Rishi Kaushal, Advocate
for respondent Nos. 1 & 2.

JASWANT SINGH, J. (ORAL)

Petitioners, three in number, are the land-owners, whose land was acquired by the National Highways Authority of India for widening of the National Highway (Jalandhar to Pathankot). The present contempt petition has been filed by the petitioners, alleging the violation of the order dated 10.08.2016 (**Annexure P-1**), passed by the learned Single Judge of this Court, directing the National Highways Authority to pay the enhanced amount of compensation, if any, including the statutory benefits as per Sections 23(2) and 28 of the Land Acquisition Act, 1894, as awarded by the said judgment directly in the account of the land-owners, while disposing of the FAO filed by the National Highways Authority/Union of India. Such recourse was established by this Court to avoid the agony of the land-owners to seek execution of the award.

Upon notice, a reply dated 21.09.2017 by way of affidavit of Col. Neeraj Kumar Jain, Project Director, PIU, NHAI, Jalandhar, was filed wherein it was averred that the due amounts have since been deposited before the Court below (Executing Court) by way of demands draft(s).

On the previous date of hearing on 22.03.2018, the following order was passed:-

“ Learned counsel for respondent Nos. 1 & 2 states that after deducting TDS @ 10% pertaining to the enhanced amount of compensation, determined by the Arbitrator, the amounts due have since been paid to the petitioners/land owners. He prays for two weeks' time to file the affidavit containing details qua each of the petitioners.

Adjourned to 30.04.2018.

To be taken in Urgent List. ”

In compliance of the aforesaid order dated 22.03.2018, a fresh affidavit dated 06.04.2018 by way of affidavit of Col. Neeraj Kumar Jain, Project Director, PIU, NHAI, Jalandhar (respondent No. 2) stands filed, para Nos. 2 & 3 of the same read as under:-

“ 2. That it is pertinent to mention that after passing of the order annexure P-1, complying with the process enumerated in the Act, respondent no. 3 vide its letter/order dated 22.07.2017 (Annexure R2/2) provided the disbursement sheet, accordingly answering respondent no. 2 after getting the approval from the competent authority of NHAI vide its letter dated 21.08.2017 (Annexure R 2/4) prepared the drafts after deducting the TDS on the amount determined by respondent no. 3 vide Annexure R2/2 and handed over after three demand drafts bearing No. 373302 dated 25.08.2017 an amount of Rs. 790287/- and demand drafts bearing No. 373303 and 373304 dated 25.08.2017 of an amount of Rs. 1873180/- each, to the petitioner no. 3 Gurminder Singh Son of Hardeep Singh, the said fact was duly recorded by the Ld. Execution courts in its order dated 01.09.2017. Copies of the demand drafts bearing No. 373302 dated 25.08.2017 an amount of Rs. 790287/- and demand drafts bearing No. 373303 and 373304

*dated 25.08.2017 of an amount of Rs. 1873180/- each and copy of the order dated 01.09.2017 is annexed as **Annexure R2/5 and R2/6 respectively.***

*3. That the details of the calculation deducting the TDS @ 10% and arriving to the final amount disbursed vide demand drafts (Annexure R2/5) in made vide letter/note dated 24.08.17. Copy of the letter/note dated 24.08.17 is annexed as **Annexure R2/7.** ”*

At the time of resumed hearing today, counsel for respondent Nos. 1 & 2 points out that the payments on behalf of all the three decree-holders, i.e., Prashan Kaur, Gurmit Singh and Gurvinder Singh (petitioner Nos. 1 to 3, respectively) were received by Gurvinder Singh (petitioner No. 3), however, as regard the balance, if any, the Executing Court is since seized of the matter on leading of documents/evidence, if considered necessary.

In view of the above, this Court is of the opinion that there is no willful disobedience of the directions passed by this Court vide order dated 10.08.2016 **(P-1)** in *FAO No. 3746 of 2015*, therefore, present contempt petition deserves to be dismissed.

Dismissed.

However, the petitioners are free to seek their relief in the pending execution petition in accordance with law.

April 30, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>