

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

**COCP No. 1270 of 2016 (O&M)
Date of Decision: 05.02.2018**

Devinder Singh and others

..... Petitioners

Versus

Shri Sanjeev Sharma, Deputy Chief Engineer/C-II
Northern Railway and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASWANT SINGH, J. (ORAL)

The land of the petitioners situated in Village Kambala, Tehsil & District Mohali, was acquired by the Railways Department for construction of Railway Station, SAS Nagar (Mohali) vide Award No. 32 dated 20.03.2007. The Reference Petition(s) filed by the petitioners alongwith other land owners under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act, 1894) was decided vide order dated 24.08.2013 passed by learned Additional District Judge, SAS Nagar (Mohali), whereby the compensation was enhanced and awarded @ Rs. 1,31,22,535/- per acre , besides other statutory benefits.

The Union of India filed RFA No. 551 of 2014 before this Court wherein vide order dated 24.01.2014, the payment of 50% of the enhanced compensation was stayed. Subsequently, the petitioner filed CM No. 1710-CI of 2015 seeking vacation of the aforesaid *ex parte* stay order

modified the order dated 24.01.2014 and directed the Railway Department to deposit the remaining amount of 50% with the Reference Court within six weeks, which was then to be disbursed to the claimants-land owners (like petitioners) against adequate security furnished by them.

It is the non-deposit of the 50% of the enhanced compensation in compliance of the order dated 12.01.2016 **(P-1)** passed by this Court, the present contempt has been filed.

Learned counsel for the petitioners submits that inspite of repeated requests and reminders, the respondent-Department has not deposited the remaining 50% of the enhanced compensation. Although he admits that his clients have received 50% of the enhanced compensation in the light of there being no stay *qua* the same vide the initial order dated 24.01.2014.

On the other hand, counsel for the respondent(s) points out that for such non-deposit within a period of six weeks, as directed vide order dated 12.01.2016 **(P-1)**, the Railway Department is not entitled to seek the protection of the order dated 12.01.2016 **(P-1)** *qua* securing the said amount by providing of adequate security by the claimants and for such non-deposit, the claimants-land owners are free to seek the execution though attachment of the properties of the Department.

After hearing counsel for the parties, this Court is persuaded to accept the contention of the respondent-Department and finds no ground to invoke the contempt jurisdiction. The claimants like the petitioners are free to seek the execution of the payment of the remaining 50% of the enhanced compensation awarded by the Reference Court by any lawful

terms of the order dated 12.01.2016 **(P-1)** would be that the Department has lost an opportunity to secure their interest in seeking adequate security from the land owners vide disbursement of the said amount.

Dismissed.

February 05, 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>