

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

COCP 904/2018

Date of decision:16.03.2018.

Chain Singh and others

.....Petitioners

v.

Sh.Sanjay Mitra and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Rajeev Sharma,Advocate for the petitioners

Jaswant Singh,J,(Oral).

Land of three petitioners/brothers situated in Village Bhatotarwan,Tehsil Pathnkot,District Gurdaspur was acquired vide notifications dated 21.8.1973 and 8.3.1974 under Sections 4 and 6 of the Land Acquisition Act (for short the Act) for establishing Defence Estate. The award was passed by the Collector on 29.3.1976 specifying different rates keeping in view the nature of the land. The Reference Court/ District Judge,Gurdaspur had enhanced the compensation vide award dated 1.3.1988 @ Rs.1000/- per kanal adopting a flat rate. Union of India filed RFA 973/1988 against the order dated 1.3.1988 passed by the Reference Court.

Petitioners who had not filed initial reference for enhancement of compensation, in view of the enhanced compensation awarded by the Reference Court, filed application under Section 28-A of the Act. Petitioners vide award dated 27.1.1989 were held entitled to the payment of enhanced compensation at the rate of Rs.1000/- per kanal i.e. flat rate.

Union of India challenged the order dated 27.1.1989 passed in

favour of petitioners by filing CWP 9707/1989 which was disposed of vide order dated 19.7.2006 passed by a learned Single Judge of this Court by holding that the compensation required to be re-determined in the light of RFA 973/1988 filed by Union of India challenging the determination of the enhanced compensation by the Reference Court having been decided vide order dated 10.12.2003 thereby reducing the compensation determined by the Reference Court.

Resultantly, the application of the petitioners under Section 28-A of the Act was decided vide subsequent award on 21.8.2009 in compliance of the directions dated 19.7.2006 passed by this Court.

The petitioners have filed the present contempt alleging that the re-determined compensation has not yet been disbursed to them and therefore, there is violation of the order dated 19.7.2006 passed by this Court,whereas perusal of the said order reveals that direction was only qua re-determination which concededly has been done and an award passed on 21.8.2009. As regards the release of compensation the petitioners have the remedy to file an execution application.

Dismissed.

16.03.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No