

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

CR No.2793 of 2015 (O & M)

Date of Decision:-5.2.2018

Mahavir Parshad and others

...Petitioners

Versus

Haryana State through Collector, Hisar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anurag Jain, Advocate
for the petitioners.

Mr. Manoj Kumar Sangwan, AAG
for the State of Haryana.

Mr. Anil Chawla, Advocate
for the HUDA.

AMIT RAWAL J.(Oral)

The petitioners-decree holders are aggrieved of the impugned order whereby the trial Court consigned the execution application being satisfied by taking the calculation submitted by the HUDA.

Mr. Anurag Jain, Advocate learned counsel appearing for the petitioners submitted that the notification under Sections 4 and 6 of the Land Acquisition Act, 1894 was issued on 19.5.1992 and 18.5.1993. The Award was passed by the Collector on 17.5.1995. The Reference Court pronounced the award on 25.2.1999 awarding the compensation @ Rs.135/- per square yard. The matter was brought before this Court by filing Regular

First Appeal and the amount was increased as Rs.175/- per square yard. The HUDA had submitted two parallel sheets by bifurcating the amount awarded by the Reference Court and the High Court whereas the part payment i.e. the payment of compensation as assessed by the Reference Court i.e. Rs.135/- per square yard was made on 29.10.1999 and therefore there was an error in the calculation, which fact has not been noticed by the Executing Court.

Mr. Anil Chawla, Advocate learned counsel appearing on behalf of HUDA has submitted that the present revision petition has been filed in the year 2015, however, during the proceedings a sum of Rs.7,60,664/- had been deposited in the account of the petitioner on 13.4.2015, which fact has not been disputed. He further submitted that the calculation submitted by the HUDA is in tandem/ letters and spirit of the orders of the various respective Courts and therefore there was no fallacy or ambiguity in the calculation.

I have heard learned counsel for the parties, apprise the paper book.

The factum of depositing of the part payment of compensation as awarded by the Reference Court on 29.10.1999 has not been controverted. In view of such situation the HUDA had submitted the two calculation sheets with regard to amount of compensation enhanced by this Court by seggregating the amount as awarded by the Reference Court. The calculation should have been done by adding such amount and then the interest. This part, in my view was required to be altered and having failed

to do so, the order of the Court below is thus without jurisdiction. Resultantly, the order under challenge cannot be said to be sustained and is hereby set aside. The matter is remitted to the Executing Court to revisit the issues. As per the calculations a sum of Rs.441/- is in excess. Both the parties are directed to submit the calculations in the mode and manner as stated above, particularly, the dates of deposits made from time to time including the amount as stated to have been deposited on 13.4.2015 for the purpose of satisfaction of the award as the same merged into the orders of the High Court. Let this exercise be done within a period of five months.

The execution application is revived and the parties through their counsel are directed to appear before the Executing Court on 28.2.2018.

February 05, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No