

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

(1) **CWP No.8107 of 2018**
Bishamber DayalPetitioner
Versus
State of Haryana & another ...Respondents

(2) **CWP No.8613 of 2018**
Bishamber DayalPetitioner
Versus
State of Haryana & another ...Respondents

(3) **CWP No.8618 of 2018**
Bishamber DayalPetitioner
Versus
State of Haryana & another ...Respondents

(4) **CWP No.8712 of 2018**
Bishamber DayalPetitioner
Versus
State of Haryana & another ...Respondents

(5) **CWP No.8734 of 2018**
Bishamber DayalPetitioner
Versus
State of Haryana & another ...Respondents

Date of decision : 07.05.2018

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Deepak Girotra, Advocate, for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

This judgment shall dispose of CWP-8107, 8613, 8618, 8712 &
8734-2018.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
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CWP-8107-2018 & other connected cases

-2-

State Counsel, on instructions from Sh.Kartar Singh, Naib Tehsildar and Shri Shamsher, Patwari, submits that in pursuance of the order passed on 03.04.2018, a sum of Rs.1,38,89,258/- has been deposited with the Executing Court. Photocopy of the demand draft dated 05.05.2018 of the said amount, in favour of ADJ, Gurugram, has also been placed on record along with an application for depositing the enhanced compensation. It is further pointed out that in CWP-8618-2018 (pertaining to LAC No.663 of 2007 and RFA No.6718 of 2011), the amount has inadvertently not been deposited.

Order dated 03.04.2018 reads as under:

“Inter alia contends that the Land Acquisition Collector had awarded compensation @ ₹12,50,000/- per acre, which was enhanced to ₹20 lakhs in RFA No.6717 of 2011 'Bishamber Dayal and others Vs. State of Haryana and others' on 22.09.2015, which was disposed of in terms of order passed in RFA No.5309 of 2011 'Janki Devi and others Vs. State of Haryana and others'. Resultantly, the execution application was filed on 21.10.2016 (Annexure P-2) and, thereafter, the application for issuing conditional warrants of arrest of the judgment debtors was also filed on 22.02.2018 (Annexure P-4).

Certified copy of the order dated 06.03.2018 passed by the Executing Court is taken on record as Annexure P-5, which would go on to show that the counsel for the State had confirmed that the payment would be deposited within 10-15 days and the Court had, thereafter, adjourned the matter to 12.07.2018. There seems to be no valid justification on the part of the State not to make payment of compensation, in spite of the fact that a period of more than 2 years have passed since the benefit of enhancement was granted.

Notice of motion.

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CWP-8107-2018 & other connected cases

-3-

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents. He prays for time to inform this Court as to when the amount would be deposited with the Executing Court, in case there is no stay qua the judgment being executed.

Accordingly, keeping in view the above the District Collector, Gurugram shall ensure that the payment is released to the petitioners within 4 weeks. In case, the same is not done and in the absence of any legal impediment, the District Collector shall be present in the Court on the next date of hearing to explain under what circumstances the amount is not being paid.

Adjourned to 07.05.2018.

Copy of this order be given to the counsel for the parties under the signatures of the Special Secretary of this Court.”

Accordingly, counsel for the petitioner submits that he would pursue his remedy before the Executing Court, for the balance amount of compensation, if any, since the matter is still pending before that Court.

Accordingly, the present writ petitions are disposed of, with direction to the District Collector to ensure that the deposit of the balance amount in LAC No.663 of 2007 and RFA No.6718 of 2011, before the Executing Court, is made, in similar terms. In case the needful is not done, it will be open to the petitioner to file appropriate application in CWP No.8618 of 2018, for which, the amount has not been deposited. The amount will, accordingly, be released to the landowners, in accordance with the prescribed procedure.

07.05.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>