

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

**C.R. No.1207 of 2019 (O&M)
Date of Decision.21.02.2019**

Gurjeet Singh alias Rupinder ...Petitioner

Vs

State of Haryana and others ...Respondents

2. C.R. No.1208 of 2019

Baljeet Kaur ...Petitioner

Vs

State of Haryana and another ...Respondents

3. C.R. No.1210 of 2019

Gurjeet Singh alias Rupinder and others ...Petitioners

Vs

State of Haryana and others ...Respondents

4. C.R. No.1211 of 2019

Satwant Singh and others ...Petitioners

Vs

State of Haryana and another ...Respondents

5. C.R. No.1212 of 2019

Satwant Singh and others ...Petitioners

Vs

State of Haryana and others ...Respondents

6. C.R. No.1213 of 2019

Jeet Kaur (since deceased) and others ...Petitioners

Vs

State of Haryana and others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Avnish Mittal, Advocate
for the petitioner (s).

-:-

AMIT RAWAL J. (ORAL)

This order of mine shall dispose of six revision petitions against the impugned orders wherein land owners have sought the indulgence of this Court under Article 227 of the Constitution of India for issuance of direction to the trial court for deciding the execution applications in pursuance to the judgment dated 11.09.2018 passed by Hon'ble Supreme Court whereby matter has been referred back to the High Court but there is no dispute with regard to the disbursement of compensation at the rate of ₹1560/-. The operative part of the judgment aforementioned is reproduced herein below:-

“Apart from that, as State has not questioned the disbursement made by the Reference Court @ ₹1560/- along with other statutory benefits, out of the said amount that has been deposited, the land owners to whom the amount has not been paid shall be paid the amount, as ordered by the Reference Court. Remaining amount may be kept in fixed deposit, which may be disbursed after the decision of case by the High Court. Let the High Court make an endeavour to decide the matter within a period of two months from the date of appearance of the parties.

Mr. Avnish Mittal, learned counsel appearing for the petitioners/decreed holders submitted that though the execution applications were pending since long but in view of the changed circumstances i.e. order of the Hon'ble Supreme Court, the Executing Court revived the execution applications and issued notice to

respondents to file affidavit regarding payment of compensation, which is reflected in the order dated 10.10.2018 extracted at page 13 of the paper book. On the adjourned date i.e. 07.12.2018, affidavit of Chief Administrator, HSVP Panchkula was filed wherein it was reflected that sanction for an amount of ₹71,13,31,999/- was accorded. The trial court by noticing the aforementioned fact adjourned the matter while exempting personal appearance of the Chief Administrator to 19.01.2019 enabling the decree holders to complete the process of payment. On 19.01.2019, matter could not be taken up as the Presiding Officer was to proceed on leave, he preponed the matter for 18.01.2019 and adjourned the execution applications for 03.04.2019.

Mr. Mittal has drawn attention of this court to the order dated 19.12.2018 (Annexure P-5) passed in C.R. No.10290 of 2018 where in identical situation, amount of compensation in respect of one of the land owner had been ordered to be released, subject to expunging the condition of imposition of submitting surety bond. It was further contended that as per the affidavit (Anneuxre P-3), Chief Administrator the intention of disbursement of amount @ ₹1560/- along with statutory benefits was reflected.

I am of the view that no useful purpose would be served in issuing direction, for, the trial Court has been diligently pursuing the execution application by imposing condition of personal appearance as well. At the best, petitioners-decree holders have remedy to seek preponment of hearing in order to seek disbursement of the amount, which would also beneficial for the HSVP in saving

the element of interest.

The revision petitions are disposed of in the above terms.

(AMIT RAWAL)
JUDGE

February 21 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No