

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

CWP No. 16893 of 2018 (O&M)

Date of Decision: 15.07.2019.

Ramesh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Ms. Monika Singh, Advocate for
 Mr. Amit Kumar Jain, Advocate,
 for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioner seeks issuance of direction to the respondents to perform their statutory duties towards disbursement of compensation assessed vide assessment report dated 26.11.2004 (Annexure P-2).

It is contended that in order to secure presence of Rampal before this Court, the respondents had requisitioned the JCB machine of the petitioner bearing registration No. HR-56-A-9871 for the period from 14.11.2014 to 17.11.2014, vide letter (Annexure P-1) by exercising the power under Section 3(1) of Haryana Requisitioning and Acquisition of Moveable Properties Act, 1975. In the process of securing presence of Rampal from Satlok Ashram, Barwala, District Hisar, the JCB machine was got damaged in the fire. The driver of the JCB also suffered injuries during the process. The financial loss

pertaining to the JCB machine was assessed to the tune of

Rs.22,14,000/- (Rs.21,74,000/- cost of the machine and Rs.5000/- per day as rent) vide letter dated 26.11.2014 (Annexure P-2).

Learned State counsel informs that a total sum of Rs.14,05,065/- stands paid to the petitioner and the remaining payment will be made as and when the amount is realized from the recovery proceedings initiated against the property of the said Satlok Ashram.

Heard.

It is not in dispute that the JCB machine of the petitioner was requisitioned by the Government. It is also not in dispute that the same was damaged during use by the Government. It is also admitted that the petitioner has received a sum of Rs.14,05,065/- from the government. Taking into consideration the fact that the requisitioning and loss of the machine is not in dispute, the respondents are directed to pay the remaining amount to the petitioner within 90 days from the date of receipt of certified copy of the order.

Disposed of accordingly.

15.07.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No