

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 386 of 2019 (O&M)

Date of decision : 18.1.2019

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Gram Panchayat of village Chachu Majra,
Tehsil and District Mohali through its Administrator
.....Petitioner

vs.

Gurmit Singh and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: J.S. Bhandohal, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

By way of filing the present revision petition, petitioner – Gram Panchayat, prays for setting aside order dated 26.9.2018, passed by Additional District Judge, SAS Nagar, Mohali, while deciding the execution application in land reference dated 14.10.2015.

Heard.

The Additional District Judge, SAS Nagar, Mohali, while deciding Land Reference No. 17, had given the award. Since that award was not favourable to the Gram Panchayat of village Chachu Majra, it has challenged the same by way of filing an appeal before this Court, which has since been admitted. The applicants in whose favour the award has been passed, had approached the Executing Court, for releasing the amount of compensation and it has accordingly been done. The Gram Panchayat is feeling aggrieved by

the said order. However, since appeal against the award is pending and admitted for hearing by this Court and in case the petitioner – Gram Panchayat is successful, then the Khewatdars in whose favour, the compensation of amount has been ordered to be released, would definitely be liable to return the said amount. Therefore, the grouse of the petitioner Gram Panchayat in that regard is without any justification.

However, learned counsel for the petitioner has pointed out that while admitting the Regular First Appeal, an order was passed on 29.3.2016, that the learned Executing Court shall issue appropriate notice to the appellant Gram Panchayat, before disbursement of the amount of compensation and shall also ensure that respondents had furnished adequate security. According to learned counsel for the petitioner, the part of direction with regard to obtaining adequate security from the respondents, has not been complied with by the Executing Court, though this fact was brought to its notice. Of course, petitioners had got a point in that regard.

Therefore, while disposing of this petition, the Executing Court is directed to comply with order dated 29.3.2016, passed by this Court, while admitting the Regular First Appeal and adequate security be obtained from the respondents, as directed.

Disposed of.

18.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No