

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

CWP-2050-2021 (O&M)

Date of decision : 29.01.2021

Alla Bux

... Petitioner(s)

Versus

The Learned Presiding Officer-cum-Additional District
Judge, Mewat and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Anjum Ahmed, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondent No.1 to decide the execution proceedings/Application No.518 of 2017 expeditiously.

Learned counsel for the petitioner would contend that vide notification dated 18.11.2013 under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), 108 acres of land falling in Village Aakera, Tehsil Nuh, District Mewat was acquired for the purpose of construction of reservoir for irrigation in Kotla depression. Vide Award dated 30.01.2015, the Land Acquisition Collector awarded compensation @ ₹28,00,000/- per acre. The Reference Court vide Award dated 19.08.2017 enhanced the compensation to ₹63,36,315/- per acre. Both the sides, the State as well as the claimants, approached this Court by filing regular first appeals in which

order dated 01.05.2019 (Annexure P-3) was passed, which inter-alia reads as under:-

“.....Keeping in view the above, this Court is of the opinion that it would be just and appropriate if the State deposits a sum of ₹32 lakhs per acre within a period of 3 months from the receipt of the certified copy of this order. The Executing Court shall disburse the amount to the landowners on furnishing of adequate security to its satisfaction, to protect the interest of the State.

In case the needful is not done within the prescribed period, the stay granted shall automatically stand vacated without further reference to this Court and it will be open to the landowners to execute the award in its entirety.”

On 31.08.2019 the Executing Court in its order Annexure P-11 noticed that compliance of order dated 01.05.2019 passed by this Court had not been made and that since the amount of ₹32 Lacs per acre as directed had not been paid within a period of three months, the stay granted automatically stood vacated. The Executing Court directed that the list of properties of the judgment debtors be furnished.

Learned counsel for the petitioner would contend that thereafter there has been no progress in the matter. Learned counsel for the petitioner would further contend that he limits his prayer in the present petition and states that the petitioner would be satisfied, at this stage, if a direction is given to the Executing Court to dispose off the execution petition in a time-bound manner.

Notice of motion.

On the asking of the Court, Mr. Minderjeet Yadav, DAG,

Haryana, who has joined the session through video conferencing, accepts notice on behalf of the respondents-State. He is not in a position to deny the fact that the amount of ₹32 Lacs was not deposited within the time stipulated vide order dated 01.05.2019 (Annexure P-3) passed by this Court and further that no extension has thereafter been sought for compliance of the said order.

In view of the above and without touching upon the merits of the case, keeping in view the limited prayer made by learned counsel for the petitioner, the present writ petition is disposed off with a direction to the Executing Court/respondent No.1 to decide and dispose off the execution petition, in accordance with law, as expeditiously as possible preferably within a period of five months from the date of receipt of the certified copy of this order.

Disposed off accordingly.

29.01.2021

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**