

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 14994 of 2021

Date of Decision: 27.08.2021

Kanwar Singh

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nitin Rathee, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate General,
Haryana, for respondent No.1 and 2.

Anil Kshetarpal, J.

1. Through this writ petition, the petitioner prays for issuance of the writ in the nature of mandamus directing the respondents to release the amount of compensation for the land acquired vide award dated 05.08.2016.

2. On 18.08.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

In deference to the order dated 16.08.2021, Sh. Bharat Bhushan, Chief Controller of Finance, Haryana Sehari Vikas Pradhikaran (HSVP), is present in the Court through video conferencing, however, he is having some internet connectivity issue and is not audible due to which it is not possible for the Court to decipher his explanation.

It has been noticed that the award of the Land

Acquisition Collector was announced on 05.08.2016. Till date, no payment has been made. Learned counsel representing the petitioner contends that neither any application under Section 30 has been filed nor a reference has been made to the Court.

Keeping in view the aforesaid facts, let the respondents file their affidavits explaining the reasons as to why the amount of compensation has not been released or deposited with the court of the competent jurisdiction since the last five years.

Adjourned to 27.08.2021”.

3. On the official e-mail of the Court, an affidavit dated 27.08.2021 has been forwarded wherein it has been stated that the amount stands transferred to the Land Acquisition Collector, Gurugram. Para No.5 and 6 of the affidavit are extracted as under:-

“5. That further it is submitted that amount of compensation in respect of acquired land is required to be uploaded by the concerned Land Acquisition Collector on the portal of Indusind Bank after passing of award and thereafter, amount of compensation is released by office of deponent to the concerned Land Acquisition Collector. In the present case amount of compensation in respect of the land of the petitioner was uploaded on the portal of Indusind Bank on 19.08.2021 (under file No. GGN-OA-DD-DHATWALI-19.08.2021-01.xlsx) Portal. Land Acquisition Officer requested this office to prepare Demand Draft of amount of compensation in favour of

Additional District Judge, Rewari. On 25.08.2021 funds were transferred to account of Land Acquisition Officer for preparing the Demand Draft in favour of ADJ Court, Rewari. A copy of the letter is attached herewith Annexure A-1. Therefore, amount of compensation stands transferred by the office of deponent to the Land Acquisition Collector, Gurugram and further necessary action is required to be taken by the said office.

6. *That the deponent assumed charge as CCF in the office of HSVP, Panchkula on 12.08.2021 (A.N.) and as soon as detail of the case brought to the deponent knowledge the deponent swung into action and got completed the necessary formalities. As far as delay in making payment of compensation from the year 2016 after passing of award till date is concerned, the Administrator, HSVP, Gurugram has been directed to conduct enquiry within 15 days and supply report issue being related to said office”.*

4. Mr. Samarth Sagar, Additional Advocate General, Haryana, assures that the amount shall be deposited with the concerned Court within a week from today. He submits that an inquiry, as stated in the affidavit, shall be completed within a period of 15 days. Mr. Sagar has informed the Court that a complaint from Sh.Ishwar Singh has been received and therefore, the matter shall be referred to the concerned Court within the aforesaid time.

5. Keeping in view the aforesaid facts, the writ petition is disposed

of, having been rendered infructuous. However, the official respondents shall place the inquiry report on the file of the Court within three weeks.

(Anil Kshetarpal)
Judge

August 27, 2021
“DK”

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