

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

**CR-369-2022 (O&M)
Date of decision : 05.04.2022**

Rachhpal Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Gill, Advocate for the petitioners.

Mr. K.K. Bhainiwala, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

This is a civil revision petition under Article 227 of the Constitution of India for issuance of appropriate directions directing respondent No.2 to release the balance amount of payment pending with the Department for the last over 12 years and further for issuance of a direction to respondent No.2 to submit his response to the calculations submitted by the petitioners.

Learned counsel for the petitioners would contend that the land acquisition proceedings had gone upto the Supreme Court and were decided in favour of the petitioners. Thereafter, since the amount was not being released and the directions contained in the order dated 02.05.2011 passed by the Supreme Court were not complied with, Contempt Petition (C) Nos.93-101 of 2012 were filed which were eventually disposed off vide order dated 04.02.2013 with the following observations:-

“Having heard learned counsel for the petitioners and perused the affidavits filed by the parties including the additional affidavits filed after 29.08.2012, we deem it proper to dispose of these petitions with the direction that the representative of the petitioners may contact Sub Divisional Officer, Ferozepur, who may check their calculation and pay the balance amount, if any is due. If the concerned Officer does not agree with the calculation made by the representative of the petitioners, then they shall be free to pursue the execution petitions already filed by them. The contempt petitions are disposed of in the manner indicated above.”

Learned counsel for the petitioners would contend that thereafter the calculations were given to the Sub Divisional Officer, Ferozepur in 2013 itself. However, neither the calculations have been accepted nor rejected nor the balance amount has been paid to the petitioners. Learned counsel for the petitioners has very fairly stated that the execution petitions are pending and he only prays that respondent No.2 be directed to file a response to the calculations submitted by the petitioners.

Learned counsel for the State has pointed out that though on the last date of hearing i.e. 28.02.2022, Mr. Hittan Nehra, Additional Advocate General, Punjab appeared on behalf of the respondents-State and had taken time to apprise the Court as to what action had been initiated at the instance

of the respondents in the instant case, however, today learned counsel for the State pleads that he has no instructions in the present case.

Heard.

In the present case, clear directions were given by the Supreme Court in the order dated 04.02.2013 that in case the Sub Divisional Officer Ferozepur does not agree with the calculations made by the representatives of the petitioners then they shall be free to pursue the execution petitions already filed by them. It is an admitted case that the execution petitions are pending. The petitioners are free to pursue their execution petitions. This Court cannot compel the respondents to file a response to the calculations if they do not wish to do so. However, the petitioners who have been waiting for the payments would always be at liberty to pursue their remedies as available in law.

In view of the above, the civil revision petition is disposed of in the above terms. Pending applications, if any, also stand disposed off.

05.04.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

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