

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

CR 1211 of 2022 (O&M)

Date of Decision: May 06, 2022

Haryana Urban Development Authority and others ...Petitioners

Versus

Raj Kumar Jain (Deceased) through LRS and others

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Arvind Seth, Advocate
for the petitioners.

Mr. Ankit Goel, Advocate
for respondents No. 1 and 2.

None for respondents No. 3 to 5.

FATEH DEEP SINGH, J. (Oral)

CM-5277-CII of 2022

Heard counsel for the applicant.

Since the present invocation is by way of revision
and which has limited scope and as pointed what was their
before the lower Court out of whose order the revision has come

about and therefore pleas which were not there before the Courts below are not supposed to allow such prayers for producing on record written statement, this Court does not find any merit in the instant application and as such the same stands declined.

CR 1211 of 2022

As if not out of any legal necessity but out of pure revenge and vengeance it appears that the petitioner Haryana Urban Development Authority (now referred to as **('the Authority')** are bent upon perpetrating untold cruelty hoping against hope that poor citizen might be forced to give up his right to instant civil revision appeared to have come about.

Upon hearing Mr. Arvind Seth, Advocate for the petitioners and Mr. Ankit Goel, Advocate for respondents No. 1 and 2 and perusal of records.

The respondents initially filed a civil suit for possession and mandatory injunction in respect of 02 bighas and 11 biswas of land on 08.10.2008 and vide judgment and

decree dated 04.03.2011 (Annexure P-2) were successful and it is innumerable invocations in between over it in form of different pleas and pretexts the final decision had gone against the petitioners when vide order dated 17.02.2022, the Court of learned Additional Civil Judge (Senior Division), Sonapat while disposing of execution petition passed the following order:-

Accordingly, the application in hand moved by the JD Department for giving land to decree holders stand dismissed. Before parting with this order this court would deem it fit to note that the circumstances under which the present application has been filed by the State and by its Department at such a belated stage is only an act by the state to delay the execution which has been pending before the executing court for a period of past 10 years. The conduct of the state and its officials as detailed above in this order deserves that the present application should be

dismissed by this Court after imposing exemplary costs upon the State officials who have moved the application accompanied by their affidavit. However, exercising judicial restraint, the Court is not proceeding further to impose exemplary costs which should otherwise have been imposed upon the State only with the hope that JD departments and its officials including the Chief Secretary of the State of Haryana would look at the entire history of this case to reflect upon a question as to whether the State and its subsidiaries have actually acted in furtherance of constitutional mandate of welfare state or do the state officials need to hang their heads in shame in the manner in which the State has litigated in the present case and has wasted such valuable time of various courts. The decree holders who are time and again coming to the Court for getting the decree

executing are none other than the citizens of the country from whose taxes the state officials are taking their pays and a more caring attitude is required to be given to them especially considering the fact that most of them are persons who were more than 70 years of age. Copy of this order is directed to be sent to Chief Secretary Haryana as well as to Chief Administrator, HUDA, Panchkula for ensuring that the entire remaining payment is made to the decree holders immediately. In case the decree is not executed in its entirety before the next date of hearing, Chief Administrator, HUDA shall remain personally present before this court. It would further be in the fit of things to note that by delaying the execution, the State is only burdening its own exchequer since the amount of compensation which has to be paid is accruing a regular interest of 8% per

annum.

From this, it is emphatically clear that initial judgment and decree of the Civil Court has since then attained finality and in spite of various pleas of the Authority gaining some amount of time to make compliance of the order have gone back-out of the same repeatedly leaves no scope to crystallize the reasons behind this facade which is not bonafide and genuine but driven out of depravity of mind.

Since the Authority has already pleaded to compensate the land owners whose land was deceptively taken away by them now cannot be allowed to reverse their stand whereby a plea is sought to be raised by the counsel for the revisionist that the Authority be given an opportunity to compensate the land owners by another chunk of land. The Executing Court had detailed at length the exercise of decree holders over the period of more than a decade and has rightly concluded that the State by its litigation has not only wasted the valuable time of the Court but has also burdened its own

exchequer on account of not only compensation that needs to be paid but the accumulation that has come about by way of interest on these amount of compensation.

To the very specific query of this Court posed to the counsel for the revisionist what illegality and perversity is highlighted in the impugned order under assail in this revision, the counsel could not pin point even a single remiss which could favour them for invocation of revisional powers of this Court. What this Court could make out that it is nothing but a deceptive way by the officials of the authority in lingering the matter to have play for such abuse of process of Court to torment of the respondents before this Court.

In the light of what has come about and is well elucidated from the impugned orders this Court does not feel inclined to show any indulgence in the present matter as the same is perfectly legal and needs to be upheld. The Revision petition being without any merits stands dismissed with special costs of Rs.25000/- which shall be borne by the officials

responsible for this legal opinion in filing this revision from their personal salaries.

Besides this taking into account what has come about through out this period, this Court deems it expedient to further direct that the interest amount accrued on the compensation to be paid to the land holders shall be initially paid by the authority and afterwards to be recovered from the personal salaries of the officers involved in initiating this litigation throughout out this period.

The present petition stands dismissed accordingly.

May 06, 2022

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No