

CWP No.8096-2022

Date of Decision : 21.04.2022

Dilbag Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPALPresent : Mr.Ajay Jain, Advocate
for the petitioner

ANIL KSHETARPAL, J (ORAL)

An application filed by the predecessor-in-interest of the petitioner under Section 28-A of the Land Acquisition Act, 1894, was allowed on 01.10.1991. However, payment in regard thereof was not released forcing the petitioner to file CWP-31-1995. The writ petition was allowed on 03.07.1995 directing the State to pay the amount. The petitioner's application seeking correction in the order dated 01.10.1991 was allowed and the petitioner was held entitled to compensation @ Rs.1 lakh per acre. Another writ petition filed by the petitioner was allowed returning a finding that the petitioner is held entitled to interest @ 15% per annum from June 2001. Thereafter, the petitioner filed an execution petition. The District Collector, Hisar, dismissed the application with the following observation:

The applicants along with their application have not appended complete documents nor have filed the calculation sheet in terms of the provisions as contained in the Land Acquisition Act, 1894, whereas the respondent-Department in their calculation sheet have given the complete details. Keeping in view, the above said facts the entire amount stands paid. There is no need for any further proceedings. Thus, the file is consigned to the record room. File be consigned to the record room after due compliance.

Learned counsel representing the petitioner contend that the District Collector, Hisar is factually incorrect in making observation that the applicant did not file the complete documents or the calculation sheet.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition while granting opportunity to the petitioner to file an application before the Collector for recall of the order. After having acquired the land, the State is bound to pay the compensation to the land owners. In such circumstances, the District Collector was expected to be more sympathetic and considerate before dismissing the execution application.

Hence, let the petitioner file an application before the District Collector, at the first instance. If such application is filed, the same shall be disposed of within a period of six months, from today.

The petition stands disposed of.

21.04.2022
neenu

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No