

241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2445-2018

Date of decision: 01.08.2023

RADHEY SHYAM

...Petitioner

V/s

HUDA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rose Gupta, Advocate and
Ms. Garima Modi, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate
for respondent No.1-HSVP.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 17.03.2018 (Annexure P-5) passed by the Executing Court-cum-Additional District Judge, Hisar, whereby an application filed on behalf of the petitioner, for issuing refund voucher for an amount of Rs.10,36,588/- stands dismissed.

2. In the present case, the petitioner purchased certain land vide sale deed dated 22.07.1999, which came to be acquired later vide notification dated 13.11.2002 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') followed by an award dated 08.11.2005 passed in exercise of Section 11 of the Act.

3. Being dissatisfied with the award, the petitioner filed reference

petition under Section 18 of the Act, which was allowed vide judgment dated 09.08.2010. Still aggrieved, the petitioner approached this Court vide RFA No.1540 of 2011 (Annexure P-2) which came to be decided on 26.03.2014, whereby, compensation was enhanced to Rs.724.75 Pasa per square yard. Based thereupon, the petitioner filed execution application wherein certain amount was released in his favour on a previous occasion.

4. Grievance of the petitioner in the present revision petition is that vide impugned order dated 17.03.2018 passed by the Executing Court-cum-Additional District Judge, Hisar, release of the remaining amount has been ruled against him on account of certain red entries recorded in form-D at the instance of Income-tax Department.

5. I have heard learned counsel for the parties and gone through the paper book. In the present case, a perusal of the impugned order itself shows that the Land Acquisition Collector though relies upon some red entries prepared for the purpose of release of amount of compensation, however, he has not been able to refer to any document or order passed by the income-tax authorities in relation to any liability due towards the petitioner.

6. Admittedly, no such document or order has been produced before the executing Court. Moreover, on a previous occasion, similar objection was raised at the time of release of compensation in favour of petitioner and faced with this, Civil Revision No.556 of 2011 (Annexure P-3) was filed before this Court which came to be allowed on 08.10.2013, followed by release of compensation by the Executing Court.

7. In view of the discussion made hereinabove, the impugned

order dated 17.03.2018 passed by the Executing Court-cum-Additional Distrcit Judge, Hisar is hereby set aside with a direction to release the remaining amount of compensation in favour of the petitioner.

8. In the aforesaid process, the Executing Court shall be at liberty to call upon the Land Acquisition Collector or the income-tax authorities to point out any order/proceedings pending against the petitioner regarding any amount recoverable from him so that the same can be adjusted.

9. Present petition stands disposed of in the aforesaid terms.

01.08.2023
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(HARKESH MANUJA)
JUDGE

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