

(111) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3979-2023

Date of Decision:03.03.2023

Santosh

... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and another

... Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Amit Jhanji Sr. Advocate with
Ms. Zaheen Kaur, Advocate for the petitioner.

Mr. Vivek Saini, Advocate for respondent No.1-HSVP.

VINOD S. BHARDWAJ , J. (Oral)

The present petition raises a challenge to the award dated 13.07.2016 (Annexure P-6) passed by Learned Civil Judge (Junior Division), Bhiwani, in Lok Adalat.

Learned counsel for the petitioner contends that the civil suit instituted between the respondent No.2 and the petitioner for declaration was decided by the Lok Adalat vide award dated 13.07.2016 (Annexure P-6). However, respondent No.2 did not adhere to the terms of the settlement and the award. As per the compromise arrived at between the parties, the land measuring 10 kanals situated in the revenue estate of village Riwasa, Tehsil Tosham, District Bhiwani was to be transferred in favour of the petitioner and only ½ share in plot bearing No.62, Sector Special Purposement situated in Urban Estate (HUDA) Bhiwani was to be transferred in favour of respondent No.2. However, respondent No.2 obtained a loan against the aforesaid land in the year 2018 and had assured the petitioner that she would repay the instalment in time. Apart therefrom, even though, respondent No.2 was entitled to ½ share in plot bearing No.62, Sector Special Purposement situated in Urban Estate, Bhiwani. However, the authorities

of the HSVP transferred complete share in the name of respondent No.2 in their documents.

Apparently both the abovesaid course of action are subsequent to the award passed by the Lok Adalat. There is seemingly a consent of petitioner to the respondent No.2 availing loan against land. Be that as it may, both the instances are subsequent and independent acts and do not in any manner violate the award or render it bad. The redressal for any such grievance is not in the form of challenge to the award but enforcement thereof.

Faced with the above, the counsel confines the present petition, at this stage, only to the extent that representation submitted by him to the respondent-Authority i.e. the Chief Administrator, Haryana Shehri Vikas Pradhikaran (Annexure P-15) may be decided by a competent officer in accordance with law.

Mr. Vivek Saini, Advocate appearing on behalf of respondent No.1-HSVP submits that he has no objection to the aforesaid prayer being accepted.

Accordingly, without finding any reason to interfere with the impugned award dated 13.07.2016 (Annexure P-6), this petition is disposed of with a direction to respondent No.1-HSVP to look into the representation (Annexure P-15) and pass a reasoned and speaking order thereupon in accordance with law, within a period of three months from the date of receipt of a certified copy of this order, by affording opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

03.03.2023

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No