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2023:PHHC:133812

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

CM-19105-CII-2023 IN/AND CR-3245-2023

Date of Decision: October 13, 2023

SOHAN SINGH (SINCE DECEASED) THROUGH HIS LRS

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raj Kaushik, Advocate for the applicants-petitioner.

HARKESH MANUJA, J. (ORAL)

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This is an application seeking preponement of date of hearing.

Notice of application.

Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of respondents No.1 and 2.

I have heard learned counsel for the parties on the application.

Considering the fact that the acquisition proceedings in the present case commenced vide notification dated 11.04.1994 and the petitioner-landowner is still deprived of release of compensation in his favour, the date of hearing is postponed to today itself.

Though, vide order dated 25.05.2023, notice of the civil revision was issued to respondent No.3, on account of non-filing of process fee, service could not be effected, however, considering the limited prayer made on behalf of the petitioner as regards issuance of

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directions to the Executing Court so as to expedite the proceedings, in humble opinion of this Court, notice upon respondent No.3 be dispensed with, at this stage.

MAIN CASE

1. Briefly stating, certain land owned by the petitioner situated within the revenue estate of Village Sadargarh, Tehsil Rajpura, District Patiala came to be acquired vide notification dated 05.04.1994 under Section 4 of Land Acquisition Act, 1894 (hereinafter referred to as 1894 Act) followed by an award dated 12.11.2005.

2. Aggrieved thereof, the petitioner-landowner filed the reference petition whereby the market value of the acquired land was assessed at Rs.1,75,000/-. Still aggrieved, petitioner-landowner approached this Court by way of Regular First Appeal which came to be decided vide judgment dated 15.07.2015 and compensation was further enhanced from Rs.1,75,000/- to Rs.2,10,000/- besides other benefits. Based thereupon, the petitioner-landowner filed execution application.

3. As per the learned counsel for the petitioner, the execution application is pending adjudication for the past almost 8 years. He further points out that amount of enhanced compensation already stands deposited with the Executing Court.

4. Notice of motion.

5. Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of respondent-State.

6. I have heard learned counsel for the parties and gone through the paper-book.
7. Considering the fact that acquisition in the present case commenced on 05.04.1994 vide notification issued under Section 4 of Land Acquisition Act, 1894 and amount of compensation was finally determined by this Court vide decision dated 15.07.2015 followed by filing of execution application by the petitioner-landowners, immediately thereafter, however, the same is pending consideration for the past almost 8 years now, the Executing Court is requested to expedite the proceedings as the delay in disposal is causing prejudice to the rights of the petitioner-landowner besides, causing financial loss to the official respondents as well qua the payment of statutory interest.
8. It is made clear that execution proceedings shall be proceeded with upon due notice to all the parties and the same shall be concluded as expeditiously as possible, preferably within a period of three months and nothing said herein shall be treated as an expression upon merits of the claims made in the execution proceedings.
9. Disposed of in the aforesaid terms.
10. Pending application(s), if any, shall also stand disposed of.

13.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>