

121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4559-2023

Decided on:-11.08.2023

Simarjit Singh @ Simardeep Singh

....Petitioner..

vs.

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Kaushal, Advocate for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, prayer has been made for directing the Executing Court to decide the application seeking restoration of execution application bearing No.96 of 2017, titled as “*Simarjit Singh vs. State of Punjab*”, filed at the instance of petitioner/decreed-holder.

2. Briefly stating, the land owned by the petitioner situated in Village Khippanwali, Tehsil & District Fazilka, was acquired vide notifications dated 24.02.2011 and 13.06.2011, issued under Sections 4 and 6, respectively, under the Land Acquisition Act, 1894 (hereinafter referred to “1894 Act”), for the purpose of construction of Khippanwali Sub Minor from R.D. 0 to 12500. Award under Section 11 of the 1894 Act, was passed by the Land Acquisition Collector on 21.03.2012.

3. Being dissatisfied, the petitioner filed reference petition under 18 of the 1894 Act, which was decided on 17.10.2016 by the Court of learned Additional District Judge, Fazilka. Based thereupon, petitioner filed execution application bearing No.96 of 2017, which was adjourned *sine-die*

vide order dated 24.08.2018 and the same is reproduced hereunder:-

“EXE 96 of 2017 Simarjit Singh Vs. State of Punjab.

CNR No.PBFZC0001992-2017

Present: Sh. Pardeep Kataria, Advocate counsel for decree holder.

*Sh. Yogesh Kasrija, learned GP for Jds with
Sh. Rajat Kamboj, SDO Canal Abohar.*

Learned G.P. has produced copy of order dated 13.08.2018 passed by the Hon’ble Punjab & Haryana High Court, Chandigarh whereby the further proceedings before the Executing Court has been stayed and the next date of hearing is 19.12.2018. Therefore, file of this case is adjourned sine-die. Decree holder is at liberty to get restore the execution application depending upon the further orders of the Hon’ble High Court. In the meantime, file be consigned to record room.

Dated: 24.08.2018

*JPS Wahniwal,
Addl. District Judge,
Fazilka (UID No.0572)”*

4. Later, the first appeal (RFA-386-2018), pending before this Court, filed at the instance of respondent was dismissed on 27.11.2019. Accordingly, an application came to be filed at the instance of petitioner seeking restoration of the above mentioned execution application dated 11.12.2019, whereupon, the Executing Court issued notice to the respondent vide order dated 11.12.2019. The said order is reproduced as under:-

*“Present: Shri Pardeep Kataria, Adv. counsel for
applicant-petitioner*

Application for restoration of execution application which was sine die on 24.08.2018 presented today. It be registered as Civil Misc. Let notice of present application to the respondent be issued for 19.12.2019. Original file be also summoned from the record room.

Dated: 11.12.2019

*Gurdarshan Kaur Dhaliwal
Additional District Judge-I,
Fazilka UID No.PB-146”*

5. Learned counsel for the petitioner submits that for the past more than 3½ years, the aforementioned application, seeking restoration of execution application is pending consideration.

6. Notice of motion.

7. Mr. Sehajbir Singh Aulakh, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents.

8. I have heard learned counsel for the parties and gone through the paper-book.

9. A perusal of the record shows that the application seeking restoration of the execution application was filed on 11.12.2019 and since then, the same is pending adjudication.

10. In the present case, the land of the petitioner was acquired way back in the year 2011, and enhancement was awarded in his favour vide award dated 17.10.2016 by the Reference Court-cum-Additional District Judge, Fazilka, whereas, he has not been able to get the enhanced compensation even after the expiry of more than 12 years of initiation of the acquisition proceedings.

11. Considering the aforesaid, the Executing Court is requested to proceed further with the execution proceedings expeditiously and conclude the same preferably within a period of 06 months from today.

12. Accordingly, the present petition is disposed of in view of the aforesaid terms.

11.08.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No