

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

(303)**CR-5288-2023****Date of Decision: 25.09.2023**

Greater Mohali Area Development AuthorityPetitioner
Versus

Jagir Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Abhilaksh Grover, Advocate, for the petitioner.

Mr. Naresh Kaushal, Advocate, for the respondents
No.1 to 16.

Mr. Navneet Singh Kaliraman, Sr. DAG, Punjab,
For respondent No.18.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, limited prayer made on behalf of petitioner has been that an application filed at its instance for seeking vacation of stay granted vide order dated 10.07.2021 is not being adjudicated upon thereby resulting into delay in delivery of possession of the acquired land.

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

3. On 10.07.2021, while dealing with issue of disbursement of compensation, the reference Court made the following relevant observations:-

“The question of delivery of possession of the proportionate area of the land acquired in question is kept open till the aforesaid details qua the land acquired in question are furnished by the petitioners and the respondents. To come up on the date already fixed i.e. 16.07.2021.”

4. Faced with the delay in delivery of possession, an application dated 27.03.2023 seeking modification/vacation of aforesaid direction was

moved on behalf of petitioner before the Authority-cum-Reference Court at SAS Mohali. Objections thereto were filed on behalf of private respondents/landowners on 15.04.2023 and since then the same are pending adjudication.

5. Learned counsel for the petitioner submits that on account of delay in disposal of the aforesaid application, the petitioner has not been able to take possession of the land in question and the entire project has been stalled and thus, submits that at this stage, the Authority-cum-Reference Court may be directed to decide the said application at the earliest.

6. On the other hand, learned counsel representing the private respondents submits that without deposit of entire amount of compensation, the petitioner cannot be permitted to take possession of the land in question.

7. Without commenting upon the merits of the controversies, the present revision petition is disposed of with a direction to the authority i.e. Reference Court-cum-Additional District Judge, SAS Nagar Mohali, to dispose of the application filed at the instance of petitioner, seeking vacation/modification of the order dated 10.07.2021 qua the delivery of possession either on the date fixed before it or within a period of 4 weeks thereafter.

8. In view of the aforesaid terms, present revision petition is disposed of accordingly. It is clarified that this direction may not be treated as an expression of opinion on merits of the controversy.

(HARKESH MANUJA)
JUDGE

25.09.2023
anil

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