

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

149

CR-136-2023 (O&M)

Date of Decision: 20.10.2023

Amanpreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Karan Nehra, Advocate for the petitioners.

Mr. Navneet Singh Kaliraman, Sr. DAG, Punjab.

HARKESH MANUJA, J. (oral)

1. Prayer in the present civil revision petition is for issuance of directions for expeditious disposal of Execution Petition bearing No.EXE/494/2017 filed on behalf of the petitioners and pending before the Reference Court-cum-Additional District Judge, Sangrur.

2. In the present case, certain land owned by the petitioners, situated in District Sangrur, came to be acquired vide Notifications dated 20.11.2006 and 13.04.2007, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') respectively, followed by an award dated 12.04.2008. Aggrieved thereof, the petitioners filed reference petition under Section 18 of 1894 Act, which came to be dismissed on 15.12.2010. Still aggrieved, the petitioners approached this Court by way of filing RFA-3367-2011 and other cases, seeking further enhancement of compensation, the same were disposed of vide common judgment dated 27.01.2016 (Annexure P-2) and the market rate of the acquired land was assessed @

Rs.15,95,600/- per acre besides other statutory benefits. Based thereupon the petitioners filed aforesaid executions petition wherein objections were filed at the instance of respondents which were rejected vide order dated 21.12.2017.

3. Learned counsel for the petitioners submits that despite the execution petition being pending for 07 years, complete dues of petitioners have not been disbursed and the proceedings are being delayed on account of repeated objection petitions filed at the instances of respondents. He further submits that despite the fact that first objection petition has been dismissed vide order dated 21.12.2017, now again fresh objection petition has been filed on 24.01.2023 and that too after issuance of notice of motion in the present revision petition.

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

5. A perusal of record shows that determination of market value was finally made vide judgment dated 27.01.2016, passed by this Court and based thereupon the aforesaid execution petition was filed, but despite dismissal of objection petition filed at the instances of respondents which even attained finality vide order dated 21.12.2017, the complete disbursement of compensation amount has not been made in favour of the petitioners. Moreover, vide order dated 29.08.2016, this Court in CWP-17515-2016, filed at the instance of the petitioners, on an earlier occasion directed for disposal of execution proceedings

within a period of 04 months, yet the same are pending for the last 07 years. The operative portion of the order dated 29.08.2016 is reproduced hereunder:-

“The decision dated 27.01.2016 of this Court in Regular First Appeals is akin to a money decree and the petitioners are entitled to seek its execution in accordance with law.

Thus, we dispose of this writ petition with liberty to the petitioners to file execution proceedings before the learned District Judge who shall make an endeavour to decide the same at the earliest and preferably within four months from the date of receipt of a certified copy of this order.”.

6. In view of the discussion made hereinabove, the Additional District Judge, Sangrur is requested to dispose of the execution petition bearing No.EXE/494/2017 as expeditiously as possible, preferably within a period of two months from today, as its delayed pendency is causing serious prejudice to the rights of petitioner-landowners, besides burdening the State Exchequer towards the liability on account of interest on delayed disbursement of compensation.

7. It is made clear that nothing said hereinabove shall be construed as an opinion on the merits of the Execution proceedings.

8. **Disposed off** in the above terms.

9. Pending application(s), if any, shall stand(s) disposed off.

20.10.2023

Mangal Singh

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No