



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No. 1329 of 2021 (O&M)
Date of Decision: 23.07.2024

State of Haryana and others

..... Appellants

Versus

Oma @ Om Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for the appellants-defendants/State of Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been laid to the judgment and decree dated 13.12.2019 passed by the Court of District Judge, Sonipat (**hereinafter to be referred as “First Appellate Court”**), whereby an appeal against the judgment and decree dated 23.05.2018 passed by the Court of Additional Civil Judge (Senior Division), Gohana (**hereinafter to be referred as “trial Court”**), decreeing the suit for mandatory injunction, filed at the instance of respondent-plaintiff, was dismissed, while upholding / affirming the judgment and decree passed by the trial Court.

[2] The operative part from the judgment and decree dated 23.05.2018 passed by the trial Court is re-capitulated hereunder:-

“ 14. In view of the findings of the court returned on the issues under adjudication, the suit is decreed with cost and defendants are directed either to hand over vacant possession of the encroached portion of the land within a period of six months from the date of

passing of this judgment or to acquire the land and compensate the plaintiff. However, plaintiff is directed to pay ad-valorem Court fee on the value of the encroached portion of the land, within two months from the date of passing of this judgment and on failure to do so, the suit shall be deemed to have been dismissed as no one can be allowed to cough up a suit in the form of mandatory injunction to avoid court fee. Decree-sheet be prepared accordingly. The file, after due compliance, be consigned to the record-room. ”

[3] At the time of hearing, rather than pressing the present appeal, learned State Counsel, on instructions from Sh. Suresh Kumar, Executive Engineer, Water Service Division, Panipat, who is present in Court, submits that the appellants-State would commence the process of acquiring the land in question at the earliest and conclude the same within a period of two months from today or compensate the respondent-plaintiff suitably in terms of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

[4] In view of the stand taken by the learned counsel for the appellants, present appeal is **disposed off** accordingly.

[5] However, in order to safeguard the interest of respondent-plaintiff, the appellants-State shall place on record the details pertaining to respondent-plaintiff been compensated in terms of judgment and decree passed in his favour within a period of three months from today, on the records of the present appeal. In case the needful is not done, the present appeal shall be deemed to have been revived automatically at its original number.

[6] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 23, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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