

2024:PHHC:137797-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

LPA-2173-2024 (O&M)

Decided on : 22.10.2024

Sukhwant Singh & others

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr.H.S.Bath, Advocates for the appellants.

Ms.Arundhati Kulshreshtha, AAG Punjab.

G.S. Sandhawalia, J.(Oral)

CM-5157-LPA-2024

1. Application for condoning the delay of 77 days in filing the present appeal is allowed, in view of the averments made in the application, duly supported by affidavit of appellant no.1. Delay of 77 days in filing the present appeal is hereby condoned.

2. CM stands disposed of.

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3. The only objection in the present appeal is to the direction issued by the Learned Single Judge to deposit Rs.2,50,000/- with the Illaqa Magistrate, Tarn Taran, within a period of six weeks from the date of receipt of certified copy of the order, subject to final outcome of the criminal proceedings emanating from the FIR No.117 dated 14.10.2021 registered under Sections 379, 447, 511 & 427 IPC at Police Station Bhikhiwind, District Tarn Taran against the present appellants.

4. Notice of motion.

5. Ms. Kulshreshtha accepts notice on behalf of the State.

6. The Learned Single Judge on 30.04.2024 while keeping in view the fact that the said persons were aged couple, directed payment of the said amount as noticed above, subject to the final decision of the FIR on account of the fact that inspite of the civil litigation in favour of the writ petitioners/private respondents herein, the present appellants had harvested the standing crop.

7. Counsel for the appellants has, thus, limited his argument to the amount of compensation which is to be deposited. It is contended that the land in question is approximately 32 kanals 3 marlas and the amount as mentioned in the representation has been accepted, without any basis. It is submitted that the value of the crop for the said land would not be as directed by the Learned Single Judge. It is submitted that the appellants are residents of the said area which is a border district and therefore, the amount is on the higher side and the same be reduced to a reasonable amount. The suggestion of counsel for the appellants is that Rs.1 lakh would be the reasonable amount.

8. We feel that the said amount is on the lower side. Accordingly, we assess the amount, tentatively, as Rs.1,50,000/- for the four acres of land @ Rs.35,000/- per acre, which should be the appropriate amount to be deposited in terms of the order dated 30.04.2024, passed by the Learned Single Judge.

9. We do not wish to call upon the private-respondents/writ petitioners, at this point of time, since it would only entail extra expenditure upon them. However, in case they still feel that the present order has been passed at their back, it will be open to them to file appropriate application in order to substantiate the fact that the amount as quantified by the Learned Single Judge was justified, in the facts and circumstances.

10. Resultantly, we dispose of the present appeal, with the aforementioned quantification that a sum of Rs.1,50,000/- be deposited, as per the same terms and conditions, as directed by the Learned Single Judge. Needful be done within a period of 4 weeks from today. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

22.10.2024
sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No