

2024:PHHC:149195



263-U **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-6576-2024 (O&M)
Decided on:-12.11.2024

Joga Singh Petitioner..

VS.

State of Punjab and others ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashok Bhardwaj, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

1. Prayer in the present civil revision petition is for issuance of direction to reference Court-cum-Additional District Judge, Sangrur to decide the execution application No.718 of 2019, titled as “***Major Singh and others vs. State of Punjab***” within a time bound period and in terms of orders dated 27.01.2016 passed by this Court in RFA-3367-2011 alongwith other connected matters and order dated 21.07.2017 passed in CR-4676-2017.

2. Admittedly, certain land owned by the petitioner was acquired vide notifications dated 20.11.2006 and 29.04.2007, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short ‘1894 Act’) respectively, followed by an award dated 12.04.2008, whereby, the petitioner and other persons were granted compensation to the tune of Rs.6 lacs per acre including solatium for land of nine villages at flat rate and Rs.10 lacs per

acre for the land acquired of the village Khanauri.

3. Feeling dissatisfied, the land owners filed petition under Section 18 of the Act, which was dismissed by the reference Court vide award dated 15.12.2010. Thereafter, the land owners challenged the said award before this Court by way of bunch of appeals seeking enhancement of compensation and the same were allowed while enhancing the market value to the tune of Rs.15,95,600/- per acre for the acquired land of nine villages and Rs.21 lac per acre was enhanced at the uniform rate as regards village Khanauri, vide decision dated 27.1.2016 (Annexure P-1). Thereafter, the judgment debtor made part payment under the award to the decree holder/petitioner except solatium and interest thereof, pursuant to the order dated 27.02.2017 passed by the Additional District Judge, Sangrur and the same was challenged before this Court in CR-4676-2017, which was disposed of vide order dated 21.07.2017, whereby directions were issued to decide the objections filed by the JDs, afresh. Later, vide order dated 20.12.2017 passed by the Additional District Judge, Sangrur, the execution application was disposed of while granting amount of compensation along with statutory reliefs. Thereafter, the petitioner and other land owners filed execution application No.718 of 2019 and the same is pending since then and till date, the enhanced amount of compensation has not been disbursed to the petitioner and other land owners.

4. Learned counsel for the petitioner submits that the petitioner being aggrieved of the delay has filed the present revision petition for issuance of direction to the Executing Court concerned to decide the execution application expeditiously, in a time bound manner.

5. I have heard the learned counsel for the petitioner.

6. A perusal of record shows that execution application (Annexure P-5) filed by the petitioner and other land owners on 29.07.2019, is still pending and the petitioner is waiting to get his amount of compensation on the basis of order dated 27.01.2016 and order dated 21.07.2017 (Annexures P-1 and P-3 respectively).

7. In ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and others (2021) 6 SCC 418***, the Hon'ble Supreme Court held as follow:-

“That the executing Court must dispose of execution proceeding within 6 months from the date of filing which may be extended only by recording reasons in writing for such delay.”

8. In view of the above, the Court of Additional District Judge, Sangrur (the Executing Court) is requested to dispose of the execution petition bearing No.718-2019 as expeditiously as possible, preferably within a period of next 3 months from today, as any further delay is going to cause serious prejudice to the rights of the petitioner-land owner.

9. It is made clear that nothing said herein-above shall be construed as an expression of opinion on the merits of the execution proceedings.

10. The present petition is disposed of in aforesaid terms.

11. Pending application, if any, stands disposed of.

12.11.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No