



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ESA No.21 of 2023 (O&M)

Date of Order:07.05.2025

Harbans Lal and others

.Appellants

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the appellants.

Mr. Pritam Singh Saini, Sr. Addl.A.G., Haryana
Ms. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, JUDGE (Oral)

1. The appellants before this court filed a suit for grant of mandatory injunction against the State of Haryana while alleging that the defendants should either make payment of compensation or to restore possession of 6 kanals and 5 marlas comprised in khasra no.412/1/2/2//3, situated at village Gumthala Rao by removal of road constructed over it, which was partly decreed on 20.03.2009. The plaintiffs still filed first appeal which was disposed of with the following observation:-

“20. Hence, in view of the discussion above, the finding of the learned lower court that the plaintiff are not entitled to the restoration of the possession of the suit land belonging to them and to receive the compensation at the rate of prevalent when the road was constructed, are set aside. Consequently, the appeal is accepted, the impugned judgment and decree is set aside and suit decreed. The defendants would restore the possession of the suit land in the same condition as it was before the



construction of the road thereon forthwith. If so desired, they (defendants) can take necessary steps for acquiring the same at the rate presently prevalent in the area. Seeing the facts and circumstance of the case, the parties are left to bear their on costs. Decree sheet be prepared accordingly. The file of the learned lower court along with the copy of this judgment be sent back. The file of the court be consigned to the record room after dye compliance.”

2. Subsequently, the appellants filed the execution petition in which they were paid Rs.28,28,901/- and the execution petition was disposed of. The appellants came to this court alleging that their land was required to be acquired in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and paid at the commercial rate.

3. Keeping in view the facts of the case, the status report was filed by the Executive Engineer PWD (B&R), Department, Haryana, Provincial Divisional, Jagadhari at Yamuna Nagar. He made the following additional submission:-

“In addition to the above, it is further respectively submitted that after considering the peculiar facts and circumstances of the present case, if this Hon'ble High Court comes to the conclusion that to satisfy the decree and judgment dated 09.08.2010 that vacant possession is required to be handed over to the appellants, department is ready to hand over the vacant possession of the suit land. However, in such circumstances, appellants may kindly be directed to return the amount of Rs.28,28,901/- along with interest, received by them before the Ld. Executing Court in above referred manner.



Further it is also clarified that sufficient amount as per collector rate had been given to the appellants as compensation and as per the Land Acquisition Act, 1894. No further amount/compensation can be paid to the appellants/decreed holders at this stage.”

4. On 06.05.2025, the following order was passed:-

“Learned State counsel while referring to the relevant averments in the written statement filed on behalf of the State submits that the State of Haryana is prepared to restore back the possession of the property to the appellants subject to refund the amount of Rs.28,28,901/-

Learned counsel representing the appellants prays for a short accommodation to take instructions.

List in the urgent list, on 07.05.2025.”

5. The learned counsel representing the appellants submits that the amount of Rs.28,28,901/- shall be refunded to the State within a period of 15 days.

6. Once the amount is refunded, the Executing Court is directed to issue warrants of possession of the suit land.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

May 07, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No