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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP-1608-2025

Date of decision: 12.05.2025

Jangir Singh and another

...Petitioners

Versus

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arshdeep, Advocate for the petitioners.

Mr. Surya Kumar, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Contempt Petition filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971 for punishing the respondent in accordance with law for violating the order passed by the Division Bench of this Court in CWP-15153-2012.

2. On 10.07.2013, the Division Bench of this Court had disposed of the writ petition in the following terms:-

“The grievance of the petitioners in this writ petition is essentially against utilization of their land for construction of Mamdot Distributory without acquiring the same on payment of compensation in accordance with the provisions of Land Acquisition Act, 1894.



The respondents have filed their reply-affidavit admitting that a part of the petitioners' land was utilized for construction of Mamdot Distributory. Since there was a dispute regarding the actual area of the land of the petitioners utilized for construction of the Distributory, measurements were carried out and as per the demarcation report, the respondents maintain that land of the land of the petitioners measuring 2 kanals 1 marls has been utilized for the said construction. They have further candidly stated that acquisition process of the said land has been initiated.

Consequently, we dispose of this writ petition with liberty to the respondents to invoke Sections 4, 6 and 17 of the Land Acquisition Act and finalize the acquisition process in accordance with law within a period of four months from the date of receiving a certified copy of this order. The amount of compensation shall be released to the petitioners within a period of one month thereafter without prejudice to their rights to seek reference under Section 18 of the Land Acquisition Act, 1894.

Ordered accordingly.

Dasti.”

3. After passing of orders dated 01.04.2025 and 24.04.2025 by this Court, the State has filed an affidavit of Balwinder Kumar, Divisional Canal Officer, Fazilka Canal & Ground Water Division, Water Resource Department, Punjab, Ferozepur, in which it has been stated that efforts were made to acquire the land measuring 2 kanals 1 marla belonging to the petitioners which was required for the Canal project but no land acquisition process was completed as per the record. It is stated that one Sh. Sukhveer Singh Mundi was posted as Executive Engineer in the Division who was holding charge from 05.07.2011 to 01.07.2015 when the judgment of the



Division Bench of this Court was passed however he failed to implement the directions of this Court during his tenure. It has further been pointed out that due to administrative and procedural delays, the formal Notification under the Land Acquisition Act, 2013 could not be issued and, therefore, the State seeks leave of the Court to now initiate and complete the remaining acquisition formalities in accordance with law and ensure compliance. Para 4 and para 9 of the said affidavit is reproduced hereinbelow:-

“4. That at the time of decision of the Hon'ble High Court Sh. Sukhveer Singh Mundi was posted as Executive Engineer in this division, holding charge from 05/07/2011 to 01/07/2015. Unfortunately, he failed to implement the directions of this Hon'ble Court during his tenure. I, the undersigned, am now presently posted as Executive Engineer and am taking necessary steps to ensure compliance with the Hon'ble Court's order.

9. That, nevertheless, the respondents respectfully acknowledge the directions passed by this Hon'ble Court vide order dated 10.07.2013, wherein the respondents were required to initiate and follow due process for acquisition of the petitioners' land before release of compensation. In compliance thereof, the respondents had obtained a No Objection Certificate (NOC) from the office of the Deputy Commissioner, Ferozepur vide letter No.2857 dated 26.12.2013. However, due to administrative and procedural delays, the formal notification under the Land Acquisition Act, 2013 could not be issued at that stage. It is submitted that the respondents had no intention to disobey the directions of this Hon'ble Court, and any lapse is unintentional and procedural in nature. The respondents, therefore, most respectfully seek the leave of this Hon'ble Court to now initiate and complete the



remaining acquisition formalities in accordance with law and ensure compliance in its true spirit.”

4. It is further pointed out that however, an amount of Rs.2,05,000/- has been received by the petitioners although there is no formal award passed.

5. Learned counsel for the petitioners has submitted that the effect of the above non-completion of the land acquisition process is that the petitioners are still owners of the land measuring 2 kanals 1 marla and it is submitted that in case respondents undertake to issue fresh Notification for acquisition and are also ready to pay the compensation assessed in the fresh Notification, then, the petitioners would be satisfied. It is submitted that it would be open to the respondents to deduct the amount of Rs.2,05,000/- from the final compensation assessed by the authorities.

6. Learned State Counsel, on instructions from Balwinder Kumar, XEN, Fazilka Canal, Ground Water Division, who is present in the Court, has submitted that the respondent authorities would expeditiously acquire the land owned by the petitioners in accordance with law and would also pass the award as per the latest law/Act and would pay the compensation to the petitioners, as assessed in the fresh award to be passed in pursuance of the fresh acquisition and the same would be paid to the petitioners after deducting an amount of Rs.2,05,000/- which had already been paid to the petitioners. It is submitted that entire process would be completed within a period of 12 months from today.

7. Learned counsel for the petitioners has submitted that the said statement of the respondent satisfies the claim of the petitioners and thus,



submits that at this stage, the present contempt petition be disposed of but liberty be granted to the petitioners to revive the same in case the undertaking as given before this Court is not complied with by the respondents.

8. In view of the above, the present contempt petition is disposed of at this stage with liberty aforesaid.

12.05.2025
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No