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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3314 of 2025

Date of Decision : 29.05.2025

Kirandeep Mann and another

.....Petitioners

VERSUS

Jalandhar Improvement Trust and others

.....Respondents

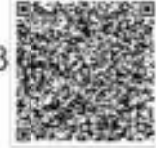
CORAM HON'BLE MR. JUSTICE HARKESH MANUJA

Present Mr. R.S. Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate
for the petitioners.

HARKESH MANUJA, J (ORAL)

The petitioner, by way of present petition filed under Article 227 of the Constitution of India, seek issuance of directions to the Executing Court to decide the execution proceedings in Execution No. EXE/480/2018 titled "*Kirandeep Mann vs. Jalandhar Improvement Trust*" within a time bound manner as also for directing respondents No. 1 and 2 to deposit the enhanced amount of compensation in the Executing Court in terms of decision dated 22.04.2021 rendered by the Hon'ble Apex Court in Civil Appeal No(s). 1659-1660 of 2021, titled "*Rahul S Shah Versus [2] Jinendra Kumar Gandhi & Ors.*".

[2] Admittedly, certain land owned by the petitioner-landowners was acquired vide notifications dated 12.05.2000 and 30.04.2001 issued under Sections 36 and 42 of the Punjab Town Improvement Act, 1922 (for short "the Act") respectively, followed by an award dated 29.04.2003 passed by the Land

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Acquisition Collector, whereby the petitioner-landowners and other persons were granted compensation to the tune of Rs.20 lakhs per acre. Feeling dissatisfied, the landowners filed petition under Section 18 of the Act, which was decided by the Reference Court vide award dated 01.12.2012.

[3] Aggrieved thereof, the petitioner-landowner and other landowners filed CWP No. 18103 of 2013 before this Court, which was disposed of vide order dated 06.12.2013 enhancing the compensation to the tune of Rs. 21,816/- per marla. Further, aggrieved thereof, both the landowners as well as the Improvement Trust challenged the same before the Hon'ble Supreme Court by way of filing Civil Appeal No. 3023-3024/2017, which were disposed of vide order dated 01.11.2017. Later, the petitioner filed the aforesaid Execution Petition No. 480 of 2018 on 12.09.2018 before the learned Civil Judge (Senior Division) Jalandhar and the same is now fixed for 02.07.2025 for making payment of compensation to the petitioners, however, till date, the enhanced amount of compensation has not been disbursed to the petitioners and other landowners.

[4] Learned counsel for the petitioners submits that the petitioners being aggrieved of the non-disbursal of amount of compensation 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] Notice of motion qua respondent Nos. 2 & 3 only.

[6] On asking of the Court, Mr. Athar Ahmed, DAG Punjab, accepts notice and waives services on behalf of respondent Nos. 2 & 3 and assures to make the necessary payment in favour of the petitioners.

[7] I have heard learned counsel for the parties and perused the record, which shows that execution application (Annexure P-2) filed by the petitioners on



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12.09.2018 is still pending and the petitioners are waiting to get their amount of compensation on the basis of order dated 06.12.2013 passed by this Court.

[8] In *Rahul S. Shah Versus Jinendra Kumar Gandhi and others, reported as (2021) 6 SCC 418*, the Hon'ble Supreme Court held as follows:-

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

[9] In view of above, the Court of Civil Judge (Senior Division) Jalandhar (the Executing Court) is requested to decide/dispose off the aforesaid Execution Petition as expeditiously as possible, as per law, preferably within a period of four months from the date fixed in the same, i.e. 02.07.2025, as any further delay is going to cause serious prejudice to the rights of petitioner/landowners.

[10] Petition stands disposed off accordingly.

[11] It is made clear that nothing said hereinabove shall be construed as an expression of opinion on the merits of the execution proceedings.

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

29.05.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No