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CR No.7586 of 2024 (O&M)

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

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CR No.7586 of 2024 (O&M)

Date of Decision: 07.01.2025

PAWAN KUMAR AND ORS

.....Petitioner(s)

Vs

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivansh Malik, Advocate
for the petitioners.

Mr. Ravi Partap Singh, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Article 227 of the Constitution of India read with Section 115 CPC, prayer has been made for issuance of direction to the learned Executing Court to decide the Execution No.661/2022 dated 07.07.2022 titled as '*Pawan Kumar and others vs. State of Haryana and another*' within a time bound period and in terms of order dated 22.04.2021 passed by the Hon'ble Apex Court in Civil Appeal No(s).1659-1660 of 2021.

[2]. Admittedly, certain land owned by the petitioners was acquired vide notification dated 15.12.2006 and 14.12.2007 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') respectively, followed by an award dated 03.07.2009 passed by the Land Acquisition Collector, whereby the petitioners and other persons were granted compensation to the tune of Rs.20 lakhs per acre. Feeling dissatisfied, the land owners filed petition under Section 18 of the 1894 Act, which was decided by the Reference Court vide award dated 05.07.2014.



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[3]. Aggrieved thereof, the petitioners / land owners filed Regular First Appeal before this Court, which was allowed vide order dated 16.03.2022 enhancing the compensation to the tune of Rs.42.51 lakh per acre. Later the petitioners filed Execution Petition No.661/ 2022 on 03.11.2022 before the learned Addl. District & Sessions Judge, Rohtak and the same is now fixed for 30.01.2025 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 land owners.

[4]. Learned counsel for the petitioners submits that the petitioners being aggrieved of the non-disbursal of amount of compensation have 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 learned counsel for the parties and perused the paper book.

[6]. A perusal of record shows that execution application (Annexure P-2) filed by the petitioners on 03.11.2022 is still pending and the petitioners are waiting to get their amount of compensation on the basis of order dated 16.03.2022 passed by this Court.

[7]. In **Rahul S. Shah vs. 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.”

[8]. In view of above, the Court of Addl. District and Sessions Judge, Rohtak (the Executing Court) is requested to dispose of the Executing Petition

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No.661/2022 as expeditiously as possible, preferably within a period of next 04 months from today, as any further delay is going to cause serious prejudice to the rights of the petitioners/land owners.

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

[10]. Petition stands disposed of in the aforesaid terms. Pending application(s), if any shall also disposed of.

January 07, 2025

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**(HARKESH MANUJA)
JUDGE**

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