
(2011) 04 AHC CK 0404
In the Allahabad High Court
Case No : Writ C. No. 23854 of 2011

The Gorakhpur Development Authority	APPELLANT
Vs	
The Additional District Judge, Ct. No. 10 and Others	RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0404

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajes Kumar, J.—Heard learned Counsel for the parties.

2. It appears that the land of the Respondent Nos. 4, 5, 6 and 7 has been acquired by the Petitioner and the compensation has been awarded on 18.8.2003, but till date the entire money of compensation has not been paid by the Petitioner. The matter is pending before the Execution court.

3. Learned Counsel for the Petitioner submitted that the original compensation, as per award, has been paid. However, the enhanced compensation has not been paid. He submitted that the entire compensation has been paid to the Respondent No. 4 and admittedly, there is some outstanding amount payable to the Respondent Nos. 5, 6 and 7.

4. It appears that the Petitioner has given some land to the Respondent No. 3 and entered into an agreement for the payment of compensation to the Respondent Nos. 4, 5, 6 and 7. In the execution proceedings, on the basis of the agreement entered into between the Petitioner and the Respondent No. 3, the Petitioner claimed that the Respondent No. 3 should be made as a party. The claim of the Petitioner has been rejected by the Execution court.

5. Heard Sri B.D. Pandey, learned Counsel for the Petitioner and Sri Ram Mohan, appearing on behalf of the Respondent Nos. 5, 6 and 7.

6. Learned Counsel for the Petitioner submitted that the land, which has been acquired, has been given to the Respondent No. 3 and in this regard an agreement has been entered into that the enhanced compensation shall be paid by the Respondent No. 3 to the persons whose land has been acquired. Therefore, the Respondent No. 3 should be made a party in the execution proceeding.

7. I do not find any substance in the argument of learned Counsel for the Petitioner.

8. The judgment debtor is the Petitioner and the Petitioner is liable to pay the entire compensation including the enhanced compensation. It is on the Petitioner how and from which source, it may pay the money of compensation. It is not at all the concern of the land owners or of the Executing court and, therefore, the Executing court has rightly declined to make the Respondent No. 3 as the party. The decree has to be satisfied by the Petitioner, who was the judgment debtor. It is unfortunate that after acquiring the land, amount of compensation has not been paid till today.

9. In view of the above, the Executing court is directed to execute the decree, which also includes the payment of enhanced compensation, expeditiously, within a period of three months. In the result the writ petition fails and is dismissed.