
(1989) 04 P&H CK 0008

In the Punjab And Haryana At Chandigarh

Case No : Execution First Appeal No. 2646 of 1987

Union of India

APPELLANT

Vs

Balbir Singh and others

RESPONDENT

Date of Decision : 12-04-1989

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 47
Land Acquisition Act, 1894 — Section 4

Citation : (1989) 04 P&H CK 0008

Hon'ble Judges : G.R. Majithia, J

Bench : Single Bench

Advocate : Lakhinder Singh, for the Appellant; M.L. Sarin with Miss Jaishree Thakur and Mr. Ashish Handa, for the Respondent

Judgement

G.R. Majithia, J.—The Appellant has challenged the order of the learned Executing Court whereby their objections u/s 47 of the CPC were rejected.

2. The State of Punjab by a notification u/s 4 of the Land Acquisition Act published on October 29, 1976, acquired 2400 Bighas and 10 Biswas of land situate in the revenue estate of Bhatinda for the Union of India for the extension of Military Cantonment at Bhatinda. Quantum of compensation payable to the claimants was finally adjudicated upon by this Court. The Respondents' land was also acquired under the notification dated October 29, 1976. The compensation finally assessed was not deposited by the Union of India necessitating the filing of the execution application. Warrants of attachment were issued and Health Centre of Northern Railway at Bhatinda was attached. The Union of India filed objections against the attachment on the ground that the attached property was not liable to be attached in view of the provisions of Section 136 of the Indian Railways Act (for short "the Act"). The learned Executing Court dismissed the objections holding that the attached property did not fall within the ambit of the Act. The Union of India has challenged the order of the learned Executing Court in Execution First Appeal.

3. I do not find any infirmity in the order of the learned Executing Court. It is unfortunate that the Union of India has adopted such an unadorable altitude towards its citizens. It is the duty of the State to make full payment of the compensation amount finally determined by the Court. The payment should have been made expeditiously. The matter regarding payment of compensation has been lingering since 1977(Sic), i.e., more than 13 years have passed, but still the compensation has not been paid to the landowners. As stated earlier, I do not find any fault in the order of the Executing Court attaching the Health Centre of the Northern Railways at the instance of claimants. I feel that it will result in inconvenience to numerous patients who get treatment at the Health Centre and to obviate it I do not permit the sale of the attached property for a period of six months from today. In the mean time, I do hope that the Union of India will realise its duty towards its citizens and make payment of the compensation of the land acquired compulsorily under the provisions of the Land Acquisition Act. The claimant, after the acquisition of his land, is left with only one remedy and that is payment of compensation in accordance with law. A copy of this order be sent to the Secretary to Government of India, Ministry of Defence, New Delhi, for compliance of the directions given supra. He will ensure that whatever compensation is payable to the claimants for the land acquired, should be paid expeditiously, preferably within four months from the date of receipt of this order, I hope he will prevent the ugly situation which has occurred due to the attachment of the Health Centre of the Northern Railways at Bhatinda, which, to my mind, casts a sad reflection on the State and its functionaries.

4. With the above observations, the appeal is disposed of. However, the parties are left to bear their own costs.