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COCP-1217-2015 (O&M)

H.C.ARORA ADVOCATE VS SARVESH KAUSHAL & ORS.

Present: Mr. H.C. Arora, Advocate petitioner In person.
Mr. Vikas Mohan Gupta, Addl. AG Punjab.
Ms. Sushma Chopra, Advocate for respondent No.2.
Mr. Vivek Sethi, Advocate for respondent No.3.

CM No. 10897-CII-2018

CM is allowed as prayed for.

Status report is taken on record.

COCP-1217-2015

Learned State counsel prays for more time to locate land owners to whom arbitration fee has to be reimbursed. The outstanding amount in this behalf is to the tune of Rs. 66,81,807/-. To complete this exercise the State prays for four months time. It may be stated that the entire amount has been recovered from the 2nd respondent/Arbitrator and accordingly, the contempt petition is rendered infructuous since the prayer was to recover fee from him. However, in view of the directions issued by the Division Bench in COCP No. 20157 of 2012 decided on 11.10.2013, the balance amount of unpaid arbitration fee to the land owners will be subject to the further search of the rightful owners by way of beat of drum in the respective villages through Village Chowkidars/revenue officials etc so that the pending issue of refund of money is broadcast throughout the villages concerned along side the National Highway. Record of the exercise be maintained scrupulously and the exercise will be video graphed for production in Court, in case

required.

It has been given out by the State that public notices have been issued in newspapers both in English and vernacular calling landowners to receive their dues from the office of the concerned Sub Divisional Magistrates, but, that effort has not yielded any response from the land owners whose property was acquired for road widening by the NHAI. Therefore, the additional mode by actual beat of drum as aforesaid is adopted so as not to leave matters only to paper work.

It is made clear that in the event of rightful owners not coming forward on or before the next date of hearing, the amount of Rs. 66,88,201- will be placed at the disposal of the Punjab State Legal Services Authority to be applied by it in public interest objectives as per the wisdom of the authority.

It will be taken on the expiry of the period fixed by this Court; subject to the exercise been completed in letter and spirit, that the outstanding unclaimed dues will be treated as having escheated to the State and placed at the disposal of the PLSA. Therefore, no further claims will be entertained subject however to production of evidence and proof by the land owners of the money they were entitled to receive which they paid illegally as arbitration fee to the 2nd respondent to arbitrate their land acquisition disputes.

List on 01.10.2018.

25.05.2018
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(RAJIV NARAIN RAINA)
JUDGE