A UNION OF INDIA

v.

RATTAN SINGH AND ORS. ETC.

APRIL 12, 1996

B [K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Land Acquisition Act, 1894 :

S.26—Award of compensation by Court—Court directing the appellant
C *to deposit 50% of enhanced compensation—Held, respondents are entitled to withdraw the amount without furnishing any security—In case appeals are allowed respondents would restitute the amounts withdraw.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7616 of 1996 Etc.

D From the Judgment and Order dated 31.8.95 of the Punjab & Haryana High Court in L.P.A. No. 444 of 1995.

N.N. Goswami, Wasim Qadri, Mrs. Anil Katiyar for the Appellant.

E Manoj Swarup, Mahabir Singh and S.B.S. Chauhan for the Respondents.

The following Order of the Court was delivered :

Leave granted.

F We have heard learned counsel on both sides.

By order dated December 4 1995, this Court had issued notice and directed interim stay of the execution of the awards, subject to the condition that the appellant would pay 50% of the enhanced compensation. We
G are informed by Shri Goswami, learned senior counsel for the appellant, that the order has been complied with. On the other hand, it is contended for the respondents that the deposit 50% of the amount was not in terms of the decree of the reference Court. Be it as it may, the appellant is directed to deposit 50% of the enhanced compensation as awarded under Section 26 of the Land Acquisition Act, 1894 in the decree and award
H which is the subject mater of the present appeals. The respondents are at

liberty to withdraw the same without furnishing any security. The withdrawal of 50% of the amount will be subject to the result in the appeal. In case the appeals are allowed, to that extent the respondents shall restitute the amounts withdrawn.

Pursuant to the order passed by this Court on December 4, 1995, an enquiry was held into the allegation made by the respondents in their counter affidavit, in particular by one Mr. B.S. Hans S/o Ratan Singh that one B.K. Mehta, dealing clerk of the Defence Estate Office, Gopinath Bazar approached the claimants and asked them to pay 2% commission promising that the decretal amount will be deposited on R.K. Sharma Director, Defence Estate, Western Command, Chandigarh came to be appointed as an Enquiry Officer. In his report dated December 26, 1995 in paragraph 28, he came to the conclusion that there is no evidence in regard to the allegation made by the Hans and members of the Bar. On going through the report submitted by him, we are at a loss to understand his conclusion in the face of the material placed before him. However, Mr. Goswami informed us that a regular enquiry has been ordered and it would be conducted in this matter. It is needless to say that the report submitted by R.K. Sharma is not even worthy of salt to look at and was not stemmed with a sense of responsibility but with a Zeal to shield the corrupt and the reasons are not far to seek and ex facie eloquent. The Enquiry Officer should independently go into and conduct the enquiry and take appropriate action and submit the report to this Court on the final action taken in that matter.

The appeals are accordingly disposed of. No costs.

R.P. Appeals disposed of.