



हरियाणा शहरी विकास प्राधिकरण

HARYANA URBAN
DEVELOPMENT AUTHORITY

Tel : 0172-2585683

Website: www.HUDA.org.in

Toll Free No. 1800-180-3030

E-mail id: sao2hqHUDA@gmail.com

Address: C-3 HUDA HQ Sector-6,
Panchkula

Instruction No. 31

To

1. All the Zonal Administrators,
HUDA in the state
2. All the Estate Officers,
HUDA in the state.

NO.HUDA/CCF/AO-Cash/2017/ 74616-17
DATED:- 27.04.2017

Subject:

Instruction with regard to defending of executions of enhanced compensation pending in various Hon'ble Court of Additional District Judges/ District Judge in all Urban Estates of HUDA.

1. Please refer to the subject cited above.
2. It has been observed that the various Hon'ble courts of Additional District Judge/ District Judge are issuing orders of attachment of properties situated outside their respective local limits of jurisdiction and are even issuing warrants against the officers of HUDA who are based outside their respective local limits of jurisdiction.
3. Your attention is invited to Section 39 (4) of the Code of Civil Procedure, 1908 which provides that "Nothing in this section shall be deemed to authorise the Court which passed a decree to execute such decree against any person or property outside the local limits of its jurisdiction." The Hon'ble Supreme Court in Appeal (Civil) 2078 of 2007 titled as Mohit Bhargava vs Bharat Bhushan Bhargava decided on 20.04.2007 has considered the issue. In terms thereof, the executing court is not authorized to execute the decree with respect to any person/ property situated outside the local limits of its jurisdiction.
4. Therefore, it has been decided that in future the above mentioned provision of law should be apprised to the Executing Court and wherever the Executing Court has issued attachment orders of properties or warrants of persons situated outside the local limit of its jurisdiction, then an application shall be filed in the Executing Court without delay, for recall of said orders and/or vacation of such attachment orders. The execution applications shall be defended properly. A list of such cases where either the attachment orders have been issued or warrants of arrest have been issued shall be compiled and report in this regard be sent to Legal Cell HUDA (HQ) without any delay.



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5. HUDA has filed Affidavit on Hon'ble High Court in **CWP No. 727, 733, 772, 3324 and 3681 of 2017 - M/s Daulatram - Dharambir Auto Private Limited vs State of Haryana and others** on 18.04.2017 by giving action plan regarding payment of original award amount and enhanced compensation to the landowners. As per action plan, the pending payments on account of original awards shall be made as first priority. Thereafter, the pending payments on account of enhanced compensation of the old awards shall be taken up.
6. As a Hon'ble High Court accepted the Govt version in the Affidavit, the same may be brought to the notice of lower courts also with the request not to pass any orders for out of turn payment. The above instructions may be brought to the notice of all concerned broadly and an action may be taken for strict compliance.
7. This issue with the approval of C.A HUDA


Sr. Accounts Officer,
for Chief Administrator
Huda, Panchkula.

CC:-

1. GM(IT) HUDA, HQ Panchkula with the request to upload the above instructions on HUDA website under policy - Finance Wing-Instructions.
2. DA, Legal Cell, HUDA, HQ, Panchkula.
3. All Chief Accounts Officer/Sr Accounts Officers HUDA in the State.