

10.04.2026

Present : Ms. Sonia, Ld. Counsel for the claimants.
None for the respondents.
Mr. Shakti Singh, Patwari on behalf of Executive
Magistrate.

Despite service of recovery certificate upon the concerned SDM, the amount of compensation has not been received from the office of SDM.

Ld. Counsel for the claimants submits that the claimants have been suffering due to financial difficulties after demise of their sole bread earner Sh. Jagdish.

She submits that the judgment debtors no. 2 and 3 have not made payment of compensation and despite there being no stay on operation of the award, the SDM had not recovered the amount from the said judgment debtors.

Record is perused.

A recovery certificate was issued under Section 174 of Motor Vehicles Act and was sent to the concerned SDM so that he can recover the amount and remit it to the Tribunal.

In response, an undated report is received from the Executive Magistrate in which it is stated that in pursuance of the recovery certificate, a notice was issued to the judgment debtors asking them to

deposit the amount, however, no reply was received from them.

The Executive Magistrate has sought further directions from this Tribunal.

At the outset, it is noted that the name of the officer who has signed the report as the Executive Magistrate and the date of the report have not been mentioned in the report.

On asking by the Tribunal, Mr. Shakti Singh, Patwari has submitted that the Executive Magistrate who has signed this report is Mr. Sunil Kumar who is working as Tehsildar.

The instructions sought by the Tehsildar need not be given.

Section 174 of the Motor Vehicles Act has been mentioned in the recovery certificate which was sent to the SDM. On mere reading of this provision, it is clear that the SDM had to recover the compensation amount from the judgment debtors in the manner adopted for recovery of arrears of land revenue.

The recovery certificate was sent to the SDM for execution and therefore, he was supposed to carry out recovery proceedings. However, he delegated his duty to his subordinate, who is not aware of the procedure of recovery. If the Tehsildar needed any instructions, he should have sought it from the SDM to understand how amount can be recovered from the judgment debtors.

This Tribunal is not required to impart training upon the Executive Magistrates on how arrears of land revenue are to be recovered.

Issue notice to the concerned District Magistrate with direction to carry out an enquiry as to why the SDM has not complied with the direction of the Tribunal by recovering the compensation amount from the judgment debtors no. 2 and 3 and by remitting it to the Tribunal.

Copy of this order be sent alongwith the notice.

To come up on 02.05.2026.

(Shirish Aggarwal)
Judge/ PO, MACT-01
New Delhi, 10.04.2026