
(2019) 12 P&H CK 0013
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5423 Of 2019

Avtar Singh And Others

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 03-12-2019

Acts Referred:

Land Acquisition Act, 1894 — Section 3(d), 18, 23(1A), 30, 31
Constitution Of India, 1950 — Article 226, 227

Citation : (2019) 12 P&H CK 0013

Hon'ble Judges : G.S.Sandhawalia, J

Bench : Single Bench

Advocate : Jitender S. Chahal, Vibha Tewari

Final Decision : Allowed

Judgement

G.S.Sandhawalia, J

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to release the amount of statutory interest @9% per annum on the amount of compensation of Rs.99,76,952/-. The same is claimed on the basis of the delayed payment of compensation, which was deposited on 07.12.2011 in the Reference Court whereas the award was passed on 24.05.2011. On account of the delay of 6-1/2 months, the petitioners seek interest on the amount of compensation.

The defence of the respondents goes on to show that one of the co-sharers Surjit Singh had filed an application on 23.05.2011 (Annexure R- 1) with the respondents that there was a dispute as such regarding apportionment and, therefore, the amount should not be released since there was litigation pending. The matter was referred under Sections 18 and 30 to the Reference Court alongwith a bank draft bearing No. 323311 dated 07.12.2011 for the above said amount, which was deposited in the Reference Court. It is in such circumstances,

the interest has become payable for the above said period.

Counsel for the petitioners has placed reliance upon the judgment of the Division Bench of this Court in CWP No. 12786 of 2012, Harkaranjit Singh and others vs. State of Haryana and another, decided on 16.10.2012 wherein, it has also been held that in terms of Section 31, the same has to be deposited with the Court if there is a dispute and if the land owners do not receive the amount of compensation. The Relevant portion reads thus:-

"We have heard learned counsel for the parties and find that the stand of the respondents that petitioners have not come forward to receive the amount of compensation and that they are not entitled to interest, is not tenable in law. In terms of Section 31 of the Act, if the land owners did not receive the amount of compensation, the same has to be deposited with the Court as defined in Section 3(d) of the Act to mean the Court of principal Civil Court of original jurisdiction that is court of District Judge in the State of Haryana. Even if the petitioners were not present at the time of disbursement of the amount of compensation and have intentionally delayed to receive the amount of compensation, the Land Acquisition Collector was under statutory obligation to deposit the amount of compensation with the Court. Having failed to do so, the respondents have made themselves liable for payment of interest in terms of Section 23(1-A) of the Act.

In view of the said fact, present petitions are disposed of with the direction to the Land Acquisition Collector to pay interest in terms of Section 23(1-A) from the date of possession was taken i.e. 24.5.2011 on the unpaid amount of compensation.

Disposed of with the said directions."

Resultantly, keeping in view the above and the fact that the writ petition is maintainable for the benefit of statutory interest, the respondents shall pay the amount of interest from 24.05.2011 to 06.12.2011 on the amount of Rs. 99,76,952/- @ 9% per annum. The payment be made within a period of 2 months from the date of receipt of certified copy of the order.

In case the payment is not made, the rate of interest payable will be @12% per annum.

Writ petition stands allowed accordingly.