

(2011) 12 SHI CK 0268
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 335 of 2006

Executive Engineer, TLSC (BCB) Slapper, Mandi, H.P.

APPELLANT

Vs

Nika and Others

RESPONDENT

Date of Decision : 08-12-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2011) 12 SHI CK 0268

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dev Darshan Sud, J.—The grievance of the petitioner in this petition is that in execution proceedings arising out of an award passed by the Land Acquisition Collector and subsequent reference proceedings in this Court, the interest on the awarded amount has been directed to be paid by the Executing Court from the date of taking possession and not from the date of notification as has been laid down by the Supreme Court and subsequently followed by this Court in L.A.C. Vs. Ratti Ram, Latest HLJ 2008 (HP) 104. The law is now well settled that interest will be payable only from the date of notification and not from the date of possession as held by this Court in Ratti Ram's case (supra). However, it will be open to the claimants-respondents to establish their claim for use and occupation of the land before the learned Reference Court in case the possession of the land has been taken before the issuance of formal notification u/s 4 of the Act. For this purpose, the parties would be free to adduce evidence in accordance with law. It is clarified that no other evidence except that which is necessary for determination of compensation for use and occupation of the land and deprivation of its use by the claimants prior to the notification u/s 4 of the Act will be allowed. The petition is disposed of. All pending applicant(s) shall stand disposed of.