
(1987) 03 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2132 of 1986

Kewal Ram

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 05-03-1987

Acts Referred:

Citation : (1987) 2 CurLJ 360 : (1987) PLJ 325 : (1987) RRR 246

Hon'ble Judges : S.P.Goyal, J

Advocate : Adish Gupta, Advocate, M.S. Jain, Senior Advocate, Advocates for appearing Parties

Judgement

S.P. Goyal, J.

1. In this revision the petitioner did not contest the validity of the impugned order but urged that he had made a claim for the payment of interest under Section 34 of the Land Acquisition Act, 1894 which has not been dealt with at all by the executing Court. Subsection (3) of Section 30 of the Land Acquisition (Amendment) Act, 1984 reads as under :

"(3) The provisions of Section 34 of the Principal Act, as amended by Section 20 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to

(a) every case in which possession of any land acquired under the Principal Act had been taken before the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People), and the amount of compensation for such acquisition had not been paid or deposited under Section 31 of the Principle Act until such date, with effect on and from that date; and

(b) every case in which such possession has been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said Section 31 with effect on and from the date of taking such possession."

2. Under the said clause (b) if any amount remains unpaid upto 30th day of April, 1982 the landowner is entitled to interest at the rate of 15 per cent from the said date till its payment. The claim of the petitioner under the said provision has not been considered or decided at all by the executing Court. This petition is, therefore, allowed, the impugned order is set aside and the case is remanded for deciding the abovementioned claim of the decreeholder. No costs.