

(1995) 03 P&H CK 0149
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1123 of 1981

Krishan Gopal and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 22-03-1995

Acts Referred:

Haryana Urban Development (Disposal of Land and Buildings) Regulations, 1978 — Regulation 10

Citation : (1995) 111 PLR 132

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : M.S. Jain and Adarsh Jain, for the Appellant; Vijaypal Singh, A.A.G. and Jagdev Sharma, Addl. A.G., for the Respondent

Judgement

T.H.B. Chalapathi, J.—The petitioners applied for allotment of residential plots in Urban Estate, Karnal, Sector 13, and the petitioners were allotted the plots. Initially the price of the plots was fixed at Rs. 33, 35 and 37 per sq. yard depending upon the location of the plots. In the letter of allotment it was mentioned that the price of the plot was subject to variation with reference to the actual measurement of the plot which as well as in case of enhancement of compensation of acquisition cost of land of this Sector by the Court or otherwise, the allottees shall have to pay additional price of the plot if any, as determined by the Department within 30 days from the date of demand. Thereafter, it appears that the owners of the land which has been acquired for the development of the urban estate, claimed enhancement of the compensation under the provisions of the Land Acquisition Act and the Court awarded more compensation than the one already fixed by the Land Acquisition Officer. Consequently, the price of the plot had to be re-fixed. Accordingly, notices have been given to the allottees demanding the payment of enhanced price of the plots. Under the notices the allottees were also informed that the failure to pay the enhanced price within time stipulated will attract the penalty and the penal interest. Challenging the notices issued by the respondents, claiming enhanced

price of the plots, this writ petition has been filed.

2. The right of the Department to claim increased cost of the land on account of the enhanced compensation has been the subject matter of the decision of this Court in Charanjit Bajaj v. State of Haryana, reported in 1986 P.L.J. 601, wherein several writ petitions of the same nature have been considered and decided. These writ petitions also related to the plots in Urban Estate Karnal Sector 13. In that judgment, this Court held that the Haryana Urban Development Authority got a right to claim enhanced price in view of the payment of enhanced compensation to the land owners. But it was held that the respondents are not entitled to charge any interest from the petitioners for the period intervening between the deposit of the compensation and the date of issue of notice. The said judgment will also govern the case in hand.

3. Therefore, this writ petition is disposed of holding that the respondents are entitled to collect the enhanced price from the petitioners in respect of the plots allotted to each of the petitioners but the respondents are not entitled to charge any interest from the petitioners for the period intervening between the deposit of compensation and the date of issue of notices. The writ petition is accordingly disposed.