

(2022) 01 CHH CK 0028

In the Chhattisgarh High Court

Case No : Writ Petition (C) No. 99, 107, 115, 124 Of 2022

Maresh Chourasiya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 11-01-2022

Acts Referred:

Citation : (2022) 01 CHH CK 0028

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Hariom Rai, Chandresh Shrivastava, Rahul Jha, Ashish Tiwari

Final Decision : Disposed Of

Judgement

1. Since common facts and issues are involved in all these writ petitions, they are being disposed of by this common order.

2. The grievance of the petitioners seems to be non granting of interest to the petitioners against the land belonging to the petitioners which were acquired from the date the possession was taken till date the award has been passed.

3. The facts of the case is that, the land of the petitioners were acquired in the year, 2018, however, the petitioners were no paid the interest on the said land and the amount of compensation quantified also was though deposited with the Land Acquisition Officer, but were not released to them. The petitioners filed WPC No.4346 of 2019 which was disposed of on 29.11.2019 (WPC No.4322 of 2019, decided on 28.11.2019 in WPC No.115 of 2022) directing the respondents to release the payment of compensation already deposited with the land Land Acquisition Officer and to decide the claim for interest from the date the possession was taken.

4. It is contended by the counsel for the petitioners that pursuant to the disposal of earlier writ petitions, the respondents promptly released the compensation to the petitioners and thereafter on a representation they have been paid the interest also. However, the interest has been paid only from the date of award i.e. 22.11.2018 and not from the date of possession of the land. According to the petitioners, the possession was taken from the petitioners way back in the year, 2011 as has been pleaded in the writ petitions.

5. It is necessary at this juncture to reproduce the operative part of the order passed by this court in the earlier round of litigation, which reads as under :

“4. It is further clarified that if the petitioners move an application before the respondent No.3 about the entitlement of the interest from the date the possession has been taken till the date of actual payment, the same shall also be decided within a further period of 90 days from the date of representation.”

6. It is also necessary to take note of the fact that the Supreme Court recently in case of *Gayabai Digambar Puri (Died) Through LR's Vs. The Executive Engineer & Ors.* Civil Appeal (Diary No.17566 of 2020), decided on 03.01.2022, has held as under:

“2. The limited issue involved in this appeal is about the liability to pay interest whether commences from the date of taking possession or only from the date of award. The Court while issuing notice on 13.01.2021 noted thus: Counsel for the petitioner(s) submits that the High Court has glossed over the crucial fact that in the present case, urgency clause was invoked. In that event, in light of the exposition of this Court in *R.L. Jain (D) by Lrs. vs. D.D.A. & Ors.*, reported in (2004) 4 SCC 79, the interest ought to be payable from the date of taking possession. Issue notice on the application for condonation of delay as also on the special leave petition, returnable in four weeks.

Dasti, in addition, is permitted. Liberty is granted to serve standing counsel for the State of Maharashtra.”

7. In view of the aforesaid, the only issue which needs to be considered at this juncture is so far as the payment of interest payable to the petitioners from the date of possession till the date of award. As the subsequent interest part has already been taken care of as directed by this court in the

earlier round of litigation upon representation being made. The respondents now have to decide only the entitlement of the petitioners for interest from

the date of possession of land onwards within a period of 90 days, however, though subsequently payment of interest has been made, the same has

been made only from the date of award.

8. Be that as it may, let the petitioners again approach the respondent No.3 by way of a suitable representation within a period of 30 days seeking for

interest from the date the actual possession was taken from the petitioners, till date the award was passed. Upon such representation being made, the

respondent No.3 shall take an appropriate decision strictly in accordance with law and also taking note of the judgment of the Supreme Court referred

to in the preceding paragraph at the earliest preferably within a period of 90 days from the date of receipt of representation of the petitioners.

9. All the writ petitions accordingly stand disposed of.