

(2012) 09 P&H CK 0289
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 22629 of 2011

Maman and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 18-09-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 23(1A), 31

Citation : (2012) 09 P&H CK 0289

Hon'ble Judges : Rajiv Narain Raina, J; Hemant Gupta, J

Bench : Division Bench

Advocate : Satbir Gill, for the Appellant; S.S. Patter, D.A.G., Haryana, for the Respondent

Final Decision : Allowed

Judgement

Hemant Gupta, J.—The petitioners have invoked the writ jurisdiction of this Court claiming a writ of mandamus directing the respondents to grant compensation of the land acquired at present market value of such land. The acquisition proceedings were initiated to acquire the land of the petitioners vide notification 18.7.1972. Subsequently, the acquisition proceedings were completed, but the amount of compensation was not deposited before the Court in terms of Section 31 of the Land Acquisition Act, 1894 (for short "the Act").

2. Earlier, the petitioners filed a writ petition before this Court for directing the respondents to pay compensation amount. Such writ petition was disposed of on 21.01.2010 directing the Land Acquisition Officer, PWD Hisar to take cognizance of the legal notice and decide the same in accordance with law expeditiously. In terms of the aforesaid direction, a communication dated 23.06.2010 was addressed to the petitioners that amount of compensation is lying deposited in the office of Treasury Officer, Hisar and the same can be received by appearing in the office of Land Acquisition Collector on 28.06.2010. Such communication was addressed on the basis of order Annexure P-10 passed on 23.06.2010.

3. Learned counsel for the petitioners contends that after the land is acquired, the compensation has to be disbursed to the land owner and if the land owner is not present, the compensation has to be deposited in the Court i.e. Principal Court of civil original jurisdiction, in terms of Section 31 of the Act.

4. Admittedly, compensation has not been disbursed to the petitioners nor deposited in the Court. In fact, it is the stand of the respondents that amount of Rs. 50,000/- was deposited by the Land Acquisition Officer in the shape of recurring deposit dated 22.08.1984 and the amount stands lapsed on 31.03.1988.

5. We find that the respondents have defaulted to comply with the statutory provisions contained in Section 31 of the Act. The deposit in the name of Land Acquisition Officer in the Treasury Office is not a payment of the compensation amount to the land owner. The respondents cannot be said to comply with the provisions of law in respect of amount of compensation.

6. Consequently, the present writ petition is allowed. The respondents are directed to pay the awarded compensation. The petitioners shall also be entitled to interest in terms of Section 23(1-A) of the Act along with other statutory benefits from the date, the possession was taken from the petitioners till the payment is made. The petitioners shall also be entitled to cost of Rs. 25,000/- for depriving the petitioners from compensation amount. The amount of compensation along with interest and cost shall be disbursed to the petitioners within a period of two months from the date of receipt of certified copy of this order. Since the compensation was not offered to the petitioners, it shall be open to the petitioners to seek reference u/s 18 of the Land Acquisition Act, 1894 within a period of two months.