

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**Date of Decision: 21.01.2015**

**CWP No.1365 of 2001**

Subhash Chander & others

...Petitioners

Vs.

Haryana Housing Board & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. Amit Jain, Advocate, for the petitioners.  
Mr. Lokesh Sinhal, Addl. AG, Haryana, for the respondents.

**HEMANT GUPTA, J.**

Challenge in the present writ petition is to an order passed by the Chief Administrator, Haryana Housing Board on 14.02.2000 declining the representation submitted by the petitioners wherein, the petitioners disputed the enhanced compensation claimed from the petitioners.

The petitioners are allottees of houses advertised for sale by Haryana Housing Board (for short 'the Board') in the year 1984. The built up houses were allotted during the year 1987-89. The land over which the houses were constructed was acquired under the provisions of the Land Acquisition Act, 1894 (for short 'the Act'). The Land Acquisition Collector has fixed the market value of the land as Rs.10/- per sq. yard, but on a reference District Judge enhanced the compensation to Rs.30/- per sq. yard and in further appeal, this Court enhanced the compensation to Rs.50/- per sq. yard. The respondents raised the demand of enhanced compensation in terms of letter of allotment on 13.02.1996. Such demand was challenged by the petitioners by way of writ petition bearing CWP No.16371 of 1996 titled 'Jan

Kalyan Mandal (Regd.) Vs. State of Haryana & others', which was disposed of on 19.11.1999 with a direction to decide the representation dated 06.08.1995 within a period of three months by passing a speaking order. It is, thereafter, the impugned order has been passed.

The Chief Administrator found that following three issues are required to be adjudicated upon, in respect of the disputes relating to the claim of the amount of enhanced compensation:

- (1) Whether the plotable area is correct or not?
- (2) Whether interest is payable on the overdue amount?
- (3) Whether interest is chargeable from the date of demand or from the date of decision of High Court/issue of revised demand notice?

In respect of Issue No.(1), it was found that open space allotted or to be allotted works out to 67238.54 sq. yards and not 88000 sq. yards, as pointed out by the petitioners. It was found that initially total area of the scheme was 121482.50 sq. yards and that another area measuring 2724 sq. yards was added subsequently. The utilization of such area is as under:

|                                                                          |   |                   |
|--------------------------------------------------------------------------|---|-------------------|
| 1. Area under houses                                                     | = | 56792.97 sq. yds. |
| 2. Area under shops (18 Nos. shops + 2 PUS)                              | = | 1467.00 sq. yds.  |
| 3. Area under shops/SCO/SCF (to be constructed)                          | = | 5541.42 sq. yds.  |
| 4. Area under open spaces (allotted/to be allotted)                      | = | 3437.15 sq. yds.  |
| 5. Area under roads, parking constructed                                 | = | 40197.16 sq. yds. |
| 6. Area under roads & parking to be constructed in booths/SCO/SCF pocket | = | 4286.71 sq. yds.  |
| 7. Area under parks                                                      | = | 8965.96 sq. yds.  |
| 8. Area under disposal works                                             | = | 875.18 sq. yds.   |
| 9. Area under green belts                                                | = | 2642.95 sq. yds.  |
| Total area under scheme                                                  | = | 124206.50 sq.yds. |

In respect of the next issue, it was found that the Board has deposited the enhanced compensation in Courts at the time of filing of executions by the land-owners. The interest has been paid to the land-owners

as per the provisions of the Act, therefore, the petitioners are liable to pay enhancement paid to the land-owners by the Board.

In respect of the last issue, it was found that the allottees are bound to pay interest on the revised enhanced compensation amount from the date of original demand enhanced compensation, as the same was demanded by the Board after depositing the same in the Executing Court.

Having heard learned counsel for the parties, we do not find any merit in the present writ petition. The dispute raised in respect of area reserved for common purposes has been explained by the Chief Administration in the order impugned. There is no material to doubt the detailed calculations given in the order on the basis of record. Therefore, no dispute can be raised in respect of plotable area of the scheme. Still further, the amount of compensation along with interest deposited is to be proportionately recovered from the allottees. Such process cannot be said to be in contravention of any statute, rules or instructions. Still further, the interest is payable on the amount so deposited from the date of its deposit, as the Board is entitled to recover the amount paid to the land owners. Therefore, the petitioners cannot avoid their liability to pay the enhanced compensation.

Consequently, we do not find any merit in the present writ petition. The same is dismissed.

**(HEMANT GUPTA)**  
**JUDGE**

**21.01.2015**  
Vimal

**(HARI PAL VERMA)**  
**JUDGE**