

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10508 of 2015

Date of Decision: 25.5.2015

Arjun Dev and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Rajinder Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to pay interest in accordance with Section 34 of the Land Acquisition Act, 1894 (in short "the Act"), as their land was acquired in the year 1995, award was passed on 24.4.1998, neither the compensation paid nor deposited in the reference court and now the payment has been released vide cheque dated 2.12.2014.

2. As per the averments made in the writ petition, petitioners No.1 to 4 along with their mother Smt. Mahlo Devi were owners of land measuring 1 bigha 4 biswas situated in Bahadurgarh, Tehsil Bahadurgarh, District Jhajjar. The said land was acquired by the Government of Haryana vide notification dated 12.5.1995 issued under Section 4 of the Act followed by notification dated 10.5.1996 under

Section 6 of the Act for the development and utilization of land as residential and commercial area in Sectors 9 and 9A, Bahadurgarh. The award was passed on 24.4.1998. In the revenue record, in the column of cultivation of the land pertaining to the petitioners and their mother in khasra No. 1958/6 (0-12), name of one Kaniyya son of Jiwan son of Molar, *Gair Marusi* was mentioned and on the dispute being raised by said Kaniyya regarding the apportionment of amount of compensation, the award amount was not released either to the petitioners or to Kaniyya. Smt. Mahlo Devi, mother of petitioners No.1 to 4 died on 5.8.2006 leaving behind the petitioners as her legal heirs. Petitioners No.1 to 4 are claiming relief on their behalf as well as being LR's of Smt. Mahlo Devi whereas petitioner No.5 is claiming relief as one of the legal representatives of Smt. Mahlo Devi. They are claiming interest on the compensation awarded to them on account of acquisition of land under their ownership. Said Kaniyaa submitted an affidavit dated 14.7.2014 (Annexure P-2) stating therein that he had got no concern over the land pertaining to the petitioners and his name was wrongly entered in the revenue record. After completion of formalities, payment of compensation of the land acquired pertaining to khasra No. 1958/6 in the year 2014 with regard to which the award was passed on 24.4.1998 was released to the petitioners vide cheques dated 2.12.2014 (Annexure P-3, the cheque issued to petitioner No.1). The petitioners moved a representation dated 20.3.2015 (Annexure P-4) to respondents No.2 and 3 for interest on delayed payment of compensation of the land acquired, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the

relief claimed in the writ petition, the petitioners have moved a representation dated 20.3.2015 (Annexure P-4) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 20.3.2015 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 25, 2015
gbs

(REKHA MITTAL)
JUDGE