

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11703 of 2015

Date of Decision: 28.5.2015

Gurcharan Kaur and another

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. RVS Chugh, 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 release the entire amount of interest @ 12% per annum on the amount of compensation of their land acquired for the purpose of Peona Thermal Power Plant, Gobindpura, District Mansa, from the date of acquisition of the land till the payment of compensation amount as per award dated 25.3.2011 (Annexure P-1)

2. In the year 2011, the respondents issued a notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") for acquisition of land for construction of Peona Thermal Power Plant at village Gobindpura, Tehsil Budhlada, District Mansa. The petitioners and other residents of village Gobindpura filed objections under Section 5-A of the Act. The award was passed by respondent No.3 on 25.3.2011

(Annexure P-1). The land of the petitioners measuring 48 kanal 3 marlas situated in village Gobindpura was acquired by the said notification. Due to pendency of the civil litigation, the payment of compensation of the acquired land was not made to Shri Gurbachan Singh (since deceased) by the respondents. The civil suit was decided by the trial court in February, 2012 and before that Late Shri Gurbachan Singh moved a representation dated 12.5.2011 (Annexure P-2) for the payment of compensation of the acquired land as the civil suits filed by Bachittar Singh and Gurcharan Kaur (petitioner No.1) were pending regarding the land in question. However, the amount of compensation was not released to the petitioners despite various representations and the same was paid without any interest in June 2012 for the land measuring 19 kanal 5 marlas out of the total land measuring 48 kanal 3 marlas whereas the compensation was to be paid along with interest @ 12% per annum. After the passing of the award dated 25.3.2011 (Annexure P-1), Government of Punjab had enhanced compensation amount @ ₹ 2 lacs per acre which was to be granted to all the landowners whose lands were acquired under the said award. However, the enhanced amount of compensation was not granted to the petitioners. The petitioners moved a representation dated 15.1.2015 (Annexure P-3) to respondent No.3 regarding non-payment of interest amount to them on the amount of compensation of the acquired land and for the payment of enhanced amount of ₹ 2 lacs per acre and further interest thereon till the payment of the same, 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

representations dated 12.5.2011 (Annexure P-2) and dated 15.1.2015 (Annexure P-3) to respondent No.3, but no action has so far been taken thereon. Reliance was also placed on the orders dated 23.4.2014 (Annexure P-4) passed by the Division Bench of this Court in **CWP No. 7437 of 2014** titled as **Karnail Singh and others v. State of Punjab and others** and **CWP No. 4000 of 2015** titled as **Bharpur Singh and others v. State of Punjab and others** (Annexure P-5).

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.3 to take a decision on the representation dated 15.1.2015 (Annexure P-3), 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. It is further directed that in case it is found that the petitioners are entitled to the interest on the amount of compensation, the same be paid to them forthwith, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
gbs

(REKHA MITTAL)
JUDGE