

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.1445 of 2015
Date of decision: 18.3.2015**

Pagoda Developer LLP

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

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

Present: Mr. Sandeep Sharma, Advocate for the petitioners in all the writ petitions.

Mr. Sudeep Mahajan, Addl.A.G.Haryana, for the State.

Mr. Deepak Sabharwal, Advocate for respondent No.3-HSIDC in CWP Nos.2330, 2331, 2344 and 2494 of 2015 and Mr. Pritam Saini, Advocate in CWP Nos.1445, 2347, 2385 and 2491 of 2015.

Ajay Kumar Mittal, J.

1. This order shall dispose of CWP Nos.1445, 2330, 2331, 2344, 2347, 2385, 2491, 2494 and 3005 of 2015 as according to the learned counsel for the parties, the issue involved in all the writ petitions is identical. However, the facts have been extracted from CWP No.1445 of

2015.

2. Prayer in CWP No.1445 of 2015 filed under Articles 226/227 of the Constitution of India is for issuance of direction to the respondents to give annuity and other benefits to the petitioner as per policy dated 7.12.2007, Annexure P.1 on account of acquisition of his land.

3. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The land of the petitioner was acquired by the respondents for the development of Gurgaon Urban Estate and award No.4 dated 5.3.2008 was announced. As per the policy dated 7.12.2007 issued by the respondents, the petitioner is entitled for the annuity of ₹ 15,000/- per acre per annum for a period of 33 years. In spite of submission of representation by the petitioner to the respondents, he has not been paid anything till today. According to the petitioner, the respondents have developed Chaudhary Devi Lal Industrial Model Township in Manesar, District Gurgaon in Village Dhana. The land was acquired invoking provisions of Section 17 of the Land Acquisition Act, 1894 (in short, "the Act"). The petitioner was not granted any opportunity for filing objections under section 5A of the Act. Hence the instant writ petitions by the petitioners.

4. We have heard learned counsel for the parties and perused the record.

5. A perusal of sub clause (i) of Clause 1 of the policy dated 7.12.2007, Annexure P.1 framed by the Government of Haryana, Revenue and Disaster Management Department for Rehabilitation and Resettlement of land owners shows that the land owners will be paid annuity for 33 years

over and above the usual land compensation. Clause 1 of the said policy reads thus:-

“1. Annuity

- (i) The land owners will be paid annuity for 33 years over and above the said usual land compensation. The amount of annuity will be ₹ 15,000/- per acre per annum.
- (ii) Annuity of ₹ 15,000/- will be increased by a fixed sum of ₹ 500/- every year.
- (iii) In respect of land acquired in terms of land acquisition policy for setting up of Special Economic Zone Technology Cities, Technology Parks, in addition to rehabilitation and resettlement package notified by Industries and Commerce Department vide No.49/48/2006-41B1, dated 4th May, 2006, a sum of ₹ 30,000/- per acre per annum will be paid for a period of 33 years by private developers and this annuity will be increased by ₹ 1000/- every year.
- (iv) The policy of paying annuity will be applicable to all cases of land acquisition by Govt. except land acquired for defence purposes.”

The amount of annuity will be ₹ 15,000/- per acre per annum which will be increased by a fixed sum of ₹ 500/- every year. In spite of the representation submitted by the petitioners, the benefit has not been given to them.

6. On a query being put to learned counsel for the State regarding the entitlement of the petitioner to the benefit as per the policy dated 7.12.2007 framed by the Government, he was unable to dispute that the petitioners are entitled for the said benefit. Accordingly, we direct that the payment as per the policy dated 7.12.2007 be made to the petitioners on or before 30.6.2015. However, on the delayed payment, the petitioners shall also be entitled to simple interest at the rate of 8% per annum from the date

when it became due till it is made to them.

7. The writ petitions stand disposed of accordingly.

(Ajay Kumar Mittal)
Judge

March 18, 2015
'gs'

(Rekha Mittal)
Judge