

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

CR No. 6321 of 2014 (O&M)

Date of decision: 29.02.2016

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Kirpal Singh Respondent

2. CR No. 6322 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Sohan Singh and others Respondents

3. CR No. 6323 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Rasho Devi and others Respondents

4. CR No. 6324 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Swaran Kaur and others Respondents

5. CR No. 6325 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Ajaib Singh and others Respondents

6. CR No. 6326 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner
versus
Ranjit Singh and others Respondents

7. CR No. 6327 of 2014 (O&M)

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Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Manoj Kumar and others

.... Respondents

8. CR No. 6328 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Sucha Singh and others

.... Respondents

9. CR No. 6329 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Anil Kumar and others

.... Respondents

10. CR No. 6330 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Basho Devi and others

.... Respondents

11. CR No. 6331 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Jagir Singh and others

.... Respondents

12. CR No. 6332 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Daya Singh and others

.... Respondents

13. CR No. 6333 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Sohan Singh and others

.... Respondents

14. CR No. 6334 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra

... Petitioner

CR No. 6321 of 2014 (O&M)		3
versus		
Kirpal Singh and others		 Respondents
15.	CR No. 6335 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Ujagar Singh and others		 Respondents
16.	CR No. 6336 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Sucha Singh and others		 Respondents
17.	CR No. 6337 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Didar Singh and others		 Respondents
18.	CR No. 6338 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Mohinder Singh and others		 Respondents
19.	CR No. 6339 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Sohan Singh and others		 Respondents
20.	CR No. 6340 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		
Hari Chand and others		 Respondents
21.	CR No. 6341 of 2014 (O&M)	
Kurukshetra Development Board, Kurukshetra		
versus		

CR No. 6321 of 2014 (O&M)

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Jagir Singh and others

.... Respondents

22. CR No. 6343 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Surinder Kaur and others

.... Respondents

23. CR No. 6344 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Surjit Kaur and others

.... Respondents

24. CR No. 6345 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Jagir Singh and others

.... Respondents

25. CR No. 6346 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Jagtar Singh and others

.... Respondents

26. CR No. 6559 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Baldev Singh and others

.... Respondents

27. CR No. 6584 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Raj Kumar and others

.... Respondents

28. CR No. 6585 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra
versus

... Petitioner

Ajaib Singh and others

.... Respondents

29. CR No. 6586 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner

versus

Jagtar Singh and others Respondents

30. CR No. 7280 of 2014 (O&M)

Kurukshetra Development Board, Kurukshetra ... Petitioner

versus

Daya Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. J.S. Bedi, Advocate, for the petitioner(s).

Mr. I.S. Pabla, Advocate for the private respondents.

Mr. Sidharth Sanwaria, DAG, Haryana.

K.Kannan, J. (ORAL)

The only point that is urged in all the civil revision petitions is the liability for interest for additional compensation as determined by the Court in terms of Section 28 of the Land Acquisition Act 1894. There can be no doubt that interest is contemplated for the additional amount only from the date of taking possession. The dispute raised now is that the claim has been made by the land owners for interest on additional amount from 11.09.1990 itself when possession was taken only on 13.12.1990. The dispute would, therefore, stand resolved if we gather evidence from when the properties were actually taken possession of by the Board.

While the petitioner would contend that the possession was taken only on 13.12.1990, when the *rapat rojnamcha* was drawn up and possession delivered by the land owners, the contention by the land

owners is that as per the terms of the award property became vested with the State when the award was passed on 11.09.1990 and when the State functionary was entitled to possession. Though normally the date of award could also be the date when the possession was taken, there are surely instances when possession may not be possible for various factors such as when there are crops remaining or when there are other obstructions coming from the land owners themselves. The statute has employed the expression under Section 28 clearly to make claim for interest possible for the additional amount only 'from the date of possession' as distinguished from the expression, 'date of award'. If there has been evidence of actual date of possession in the light of the contest entered by the land owners, I set aside the order only insofar as the issue relating to interest for additional amounts, under Section 28 and both parties are at liberty to give evidence of when the possession was taken by the State. The decision already rendered through the impugned Order insofar as it provided for interest on solatium is confirmed. The impugned order is set aside and remitted for fresh consideration for the remaining extent to the Court below in accordance with law.

The civil revision petitions are disposed of.

(K.KANNAN)
JUDGE

29.02.2016

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