

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12570-2014 (O&M)

Date of Decision: August 16, 2016

Dharam Vir and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.R.S.Manhas, Advocate
for the petitioners.

Mr.Rajesh Bhardwaj, Addl.AG, Punjab.

Mr.S.C.Pathela, Advocate
for respondent No.3.

.....

SURYA KANT, J.

The only question that arises for consideration in this case is whether the petitioners are entitled to seek interest at the statutory rate from the date when notifications under Sections 36 and 42 of the Punjab Town Improvement Act, 1922 were issued or the interest has rightly been paid to them w.e.f. 17.11.2010 onwards ?

In our considered view, such a question can effectively be determined on the basis of a fact finding enquiry by the Improvement Trust Tribunal headed by the learned District Judge. We, thus, relegate the petitioners to the learned District Judge, Pathankot, for determination of the

above-stated claim and/or any other related issue which may be raised by either party. If any petition is filed by the petitioners within one month from the date of receipt of certified copy of this order, the same shall be decided on merits and no objection qua limitation shall be entertained from the respondent's side.

Disposed of.

(SURYA KANT)
JUDGE

August 16, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No