

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13918 of 2016.

Date of Decision: July 18, 2016

Harwinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE DARSHAN SINGH.**

Present: None for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The grievance of the petitioner in the instant writ petition is that he has not been paid interest on the delayed payment of compensation for his acquired land.

As per the averments made in the writ petition, the petitioner's land forming part of Khewat/Khatauni No.120/101/321, situated within the revenue estate of village Gobindpura, District Mansa, was part of more than 560 acres of land which was acquired for establishment of 'Peona Power Thermal Plant' at village Gobindpura, District Mansa. It appears that only part payment of compensation was made to the petitioner till 13.02.2015 though he has to be paid compensation alongwith other land-owners in March, 2011. The petitioner's claim is that in February, 2015 also, he was paid Rs.7,60,055/- as against the payment of RS.11,40,650/-. Similarly, no interest is said to have been paid on the delayed payment. The petitioner in

this regard submitted various representations including dated 09.01.2013 and 11.01.2016 (P-5 & P-6, respectively) followed by a legal notice dated 24.05.2016 (P-7) but finding no response, the instant writ petition has been filed.

Having gone through the averments made in the writ petition, it appears that if the payment of compensation was delayed by the respondents, the petitioner is surely entitled to be compensated with interest at the rate as prescribed under the Statute. Similarly, it is imperative upon the Land Acquisition Collector-cum-Sub Divisional Magistrate-respondent No.3 to determine the full amount of compensation alongwith interest to which the petitioner is entitled to in accordance with law and keeping in view the directions issued by this Court in similar circumstances in CWP No.13072 of 2014 (Darshan Singh and others versus State of Punjab and others) decided on 10.07.2014 (P-13). We thus dispose of this writ petition without expressing any views on merits, with a direction to respondent No.3 to ascertain the correct facts and determine the petitioner's claims towards full amount of compensation and interest on the delayed payments, and release the due amount within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

July 18, 2016
mohinder

[DARSHAN SINGH]
JUDGE