

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16897 of 2016

Date of Decision: August 22, 2016

Pankaj Sood and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present: Mr.P.S.Baidwan, Advocae, for
Mr.Naresh Kaushal, Advocate, for the petitioners.

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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 land of the petitioners was acquired in the year 2015. The said acquisition came under challenge before this Court but those writ petitions were dismissed as withdrawn on 30.03.2015. Thereafter Award No.563 dated 23.12.2015 has been passed keeping in view the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners in this backdrop seek the following reliefs:-

- “(i) to pay the petitioners additional compensation of 75% of the total compensation as determined under Section 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, vide award No.563 dated 23.12.2015 (Annexure P-6) with up-to-date interest as mandated under Section 40(5) of the Act, 2013;

- (ii) to pay interest @15% per annum on the 80% of the amount of compensation, from the date of taking possession till the payment;
- (iii) to revise the award dated 23.12.2015 while re-assessing the value, as per the mandate of Section 26(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, keeping in view the value “whichever is higher” and pay the same in a time bound manner.....”

It may be seen that the writ petition essentially seeks enhancement in compensation for which the petitioners have got an effective remedy under the 2013 Act itself. However, keeping in view the fact that they have raised such claim vide a legal notice dated 12.03.2016 (P-7), we dispose of this writ petition with a direction to the Land Acquisition Collector-respondent No.3 to ascertain whether the petitioners are entitled to any other benefit under the Statute and if so, let the same be extended to them. An appropriate speaking order in this regard shall be passed within a period of three months from the date of receiving a certified copy of this order. If the petitioners are still dissatisfied, they may approach the Prescribed Authority under the Statute.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 22, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No