IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18345 of 2015

Date of Decision: 16.2.2016

Karam Singh and others

....Petitioners.

Versus

Union of India and others

...Respondents.

1. Whether the Reporters of the 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?

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.

PRESENT: Mr. Ramesh Sharma, Advocate for
Ms. Avinash Mandla, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to refund the amount while disbursing compensation made deduction of tax at source.

2. The land of the petitioners was acquired vide notification dated 15.7.1987 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”). The award was passed and the amount of compensation was released to the petitioners. While disbursing the amount of compensation, the respondents made deduction of tax at source of the agricultural land and remitted the same to the Income Tax Department. This Court in **Risal Singh v. Union of India, 2011 (3) RCR (Civil) 268** (Annexure P-1) allowed the petition of the petitioner therein and directed the Income Tax Department to refund the amount of tax

deducted at source within a period of one month. The petitioners also filed reference under Section 18 of the Act before the Additional District Judge, Gurdaspur who vide award dated 4.2.1998 (Annexure P-2) enhanced the amount of compensation. The petitioners made a representation dated 25.5.2015 (Annexure P-3) to respondent No.2 for refund of the amount of tax deducted at source, but no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that no tax at source could be deducted on the amount of compensation which was paid in respect of acquisition of agricultural land. It was further submitted that the same has been illegally deducted and prayer has been made for refund of the same.

4. We have heard learned counsel for the petitioner.

5. On a query being put to the learned counsel for the petitioners as to how much the tax was deducted on the amount of compensation in respect of agricultural land which was acquired, he was unable to refer to any averment either in the writ petition or give any satisfactory reply. There is nothing on record on the basis of which the petitioners could substantiate that the tax has been deducted at source in respect of compensation paid for the agricultural land.

6. In view of the above, finding no merit in the writ petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

February 16, 2016 **(RAJ RAHUL GARG)**
gbs **JUDGE**