

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-25750-2015
Date of Decision: August 08, 2016

Dr.Mohan Lal Garg and others
.....Petitioners
Versus

State of Punjab and others
.....Respondents

2. CWP-26038-2015

Gulab Kaur and others
.....Petitioners
Versus

State of Punjab and others
.....Respondents

3. CWP-26372-2015
Khiali Ram and others

.....Petitioners
Versus

State of Punjab and others
.....Respondents

4. CWP-7430-2016

Vijay Kumar and others
.....Petitioners
Versus

State of Punjab and others
.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE GURMIT RAM**

Present: Mr.Amit Aggarwal, Advocate and
Mr.Rajiv Mittal, Advocate
for the petitioners.
Mr.G.C.Garg, Advocate
for respondent No.3.

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SURYA KANT, J.

[1] By this common order, we dispose of four Civil Writ Petitions bearing Nos.25750, 26038, 26372 of 2015 and 7430-2016.

[2] The petitioners seek modification of the Awards passed by the Land Acquisition Tribunal, Improvement Trust Bathinda with a further direction for enhancement of compensation of their acquired land in terms of judgment dated 10.03.2014 passed by this Court in CWP-3603-2012 (**Nachattar Singh and other vs State of Punjab and others**) whereby compensation in the case of similarly placed owners whose land was also acquired alongwith that of petitioners for development of “16.44 Acres” and “25.21 Acres” Schemes, was enhanced.

[3] Respondent No.3, i.e. Improvement Trust, Bathinda (for short, 'the Trust'), has filed its separate reply (except in CWP No.7430 of 2016). The factum of acquisition of land of the petitioners or slight

enhancement made by this Court in the compensation in the case of similarly placed owners are not in dispute. The Trust has, however, taken a preliminary objection of delay and laches on the part of petitioners.

[4] We have heard learned counsel for the parties with reference to the preliminary objection taken by the Trust.

[5] It is true that the petitioners have approached this Court after a considerable delay. It is well settled that where a litigant is found to have slept over the matter and allowed the grass to grow under his feet, can be deprived of his legitimate rights by a writ Court in exercise of its discretionary jurisdiction. It is equally apt to restate that the delay, *per se* is not an impediment or embargo against the exercise of equitable jurisdiction. It is a rule of estoppel evolved by the Court against a negligent litigant though he may have a right enforceable through the Court of law.

[6] It is also undeniable that the acquisition of land for the purpose of development of a Scheme by the Trust is made under the Punjab Improvement Trust Act, 1922, (for short, 'the 1922 Act') read with provisions of the Land Acquisition Act, 1894 (since repealed) (for short, 'the 1894 Act'). Under the 1894 Act, the Legislature itself introduced an equality clause through Section 28A to accord right to an affected owner to seek compensation at par with similarly placed owners who have meanwhile

succeeded in getting their compensation enhanced from the Appellate or Superior Courts by way of appeal etc.. Further more, where the right under consideration pertains to monetary claim, the writ Court can modulate the relief clause in such a manner that neither the enforceable rights are denied nor it leads to unjust enrichment.

[7] We are of the considered view that such a recourse can be effectively evolved in the cases in hand also and the equities can be balanced for duration of unexplained delay on the part of the petitioners.

[8] In the light of the above discussion, we hold that though the petitioners are entitled to claim parity with other land owners and seek the amount of enhanced compensation for their acquired land as has been awarded by this Court vide judgment dated 10.03.2014 in **Nachattar Singh and others** (supra) but in CWP Nos.25750 of 2015 and 26372 of 2015, the petitioners have chosen to approach this Court after 7 years, hence it is directed that the statutory interest on the enhanced amount of compensation shall be payable to them only from 01.01.2016, as they have filed the writ petitions in December 2015.

[9] Similarly, in CWP No.26038 of 2015, there is an inordinate delay of more than 13 years. Hence, the petitioners in this case would be entitled to seek interest on the enhanced amount of compensation w.e.f.

01.01.2016 only as the writ petition was filed in the last week of November 2015.

[10] In CWP No.7430 of 2016, since the award has been passed on 17.02.2014 and the petitioners have approached this Court within two years, we are satisfied that the delay is not so fatal that it would deprive them from interest for the entire period.

[11] The writ petitions stand allowed in above terms.

(SURYA KANT)
JUDGE

August 08, 2016
meenu

(GURMIT RAM)
JUDGE

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