

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25036 of 2016.

Date of Decision: December 05, 2016

Resham Kaur

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARINDER SINGH SIDHU.

Present: Mr.JPS Sidhu, Advocate, for the petitioner.

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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)

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

Let two copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The land of the petitioner measuring 14 kanal 1 marla situated within the revenue estate of village Gobindpura, District Mansa was acquired by the State of Punjab in the year 2011 for setting-up a Thermal Power Plant. The Award was announced on 25.03.2011. The short grievance of the petitioner in the instant writ petition is that though she has been paid compensation of Rs.39,68,293/- but there remained balance

amount of Rs.5,58,136/- which has not been released so far despite her running from pillar to post. In addition, the petitioner claims interest on the delayed payments.

We find from the record that the above-stated claim has been raised by the petitioner vide legal notice dated 06.08.2016 (P-9) and before that a representation was also made on 10.05.2016 (P-8) but there is no response from the respondents.

There can be no quarrel that if the petitioner has not been paid full amount of compensation, it is obligated upon the Land Acquisition Collector to determine and release the balance amount as per the Award. The petitioner is also entitled to interest in accordance with the Land Acquisition Act, 1894 under which the land was acquired.

We thus dispose of this writ petition with a direction to respondent No.2 to determine the balance amount of compensation payable to the petitioner and release the same alongwith interest at the rate prescribed in the Land Acquisition Act, 1894. Let the needful be done within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 05, 2016
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[HARINDER SINGH SIDHU]
JUDGE

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