

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25238 of 2016.

Date of Decision: December 06, 2016

Komal and others

.....Petitioners

versus

Union of India and others

.....Respondents

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

Present: Mr.Jitender S. Chahal, Advocate, for the petitioners.
Mr.R.D.Sharma, Deputy Advocate General, Haryana.

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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 to respondent Nos.2 to 6 only at this stage.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

Let five 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 respondent Nos.2 to 6 or to serve respondent No.1 at this stage.

The grievance of the petitioners is that due amount of compensation, to which they are entitled to on account of acquisition of land of the deceased-Charanjeet Singh, has not been released and they are being

compelled to forego the interest component as a condition precedent for the release of compensation amount.

It may be mentioned that petitioner Nos.1 & 2 are daughters and petitioner No.3 is minor son of late Charanjeet Singh whose land fully described in para No.4 of the writ petition and situated within the revenue estate of village Kail, Tehsil Jagadhri, District Yamuna Nagar was acquired for widening of National Highway No.73 on the stretch of land from Km.70.700 to Km.179.285 (Yamuna Nagar-Panchkula Section). The Award was passed way back on 31.01.2013. The petitioners were minor at that time. Their mother approached the authorities for the release of compensation amount and she was asked to furnish an affidavit. Thereafter, a cheque of Rs.4,81,426.50 has been released in favour of mother of the petitioners towards her share but the left out amount of compensation has not been released despite repeated representations.

Since the respondents have not been called upon to file their reply-affidavit at this stage, it may not be expedient to express any views on the merits of the petitioners' allegations. Suffice it would be to observe that once the land has been acquired and Award passed, the petitioners are entitled to the compensation amount with interest. Any delay on the part of the authorities in releasing the compensation amount has to be viewed seriously. In a given case, the deliberate delay on the part of the authorities may require the interest amount to be personally recoverable from the officer who is in default for causing the delay. At this stage, it is sufficient to dispose of this writ petition with a direction to the respondents to ascertain the correct facts and release the compensation amount to the petitioners alongwith interest upto the date of actual disbursement, within a

period of two months from the date of receiving a certified copy of this order, failing which the petitioners shall be at liberty to seek revival of this writ petition and/or to initiate fresh proceedings to seek special damages/compensation from the authorities.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 06, 2016
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[SUDIP AHLUWALIA]
JUDGE

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