

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25465 of 2016.

Date of Decision: December 09, 2016

Babu Ram

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Surinder Kumar Daaria, Advocate, for the petitioner.

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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 petitioner was a part of the acquisition made by the State of Haryana vide Award dated 13.09.2006 for setting-up Market Committee at Farrukh Nagar, District Gurgaon. Some of the aggrieved land-owners approached this Court challenging the above-stated acquisition. Those writ petitions were allowed on 06.02.2014. The lead case was CWP No.984 of 2007 (Harpal Singh versus State of Haryana and others) (P-1).

Having quashed the notifications under Section 4 & 6 of the Land Acquisition Act, 1894 and subsequent proceedings, this Court granted one year's time to the respondents to re-acquire the land if it is so needed for the public purpose.

It appear that on re-consideration of the matter, the State Government has decided not to acquire the land. Consequently, the land-owners, who have received the compensation, have been asked to refund the same alongwith interest @15%per annum from the date of receiving the

compensation till the date of its depositing.

Such a notice dated 16.06.2016 has been served on the petitioner also. The aggrieved petitioner has approached this Court.

We have heard learned counsel for the petitioner. In our considered view, once the acquisition has been set-aside, the petitioner or other land-owners who have received the compensation, are liable to refund the same. They cannot have the land as well as compensation.

As regard to the rate of interest @15% per annum, the authorities are to be guided by the provisions of Land Acquisition Act, 1894.

Be that as it may, the petitioner may represent the authorities against the impugned notice explaining the rate of interest on which the compensation was paid to him. Any other claim like mesne profit, can also be raised by the petitioner in his representation-cum-objections. In case any such representation is made within two weeks from the date of receiving a certified copy of this order, the respondent-authorities are directed to consider the same in accordance with law.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

December 09, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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