

CWP-3123-2016(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3123-2016(O&M)

Date of Decision: December 01, 2016

Jagdish Rai and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Sushil Jain, Advocate
for the petitioners.
Mr.R.D.Sharma, DAG, Haryana.
Mr.Sailender Singh, Advocate.

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SURYA KANT, J.

Petitioners are residents of villages Kanheli & Mania, Tehsil & District Rohtak. Their land was acquired vide Award dated 04.01.2011 for development of Sector 25 at Rohtak. As per R&R Policy of the State Government, they are entitled to be paid 'Annuity'. The instant writ petition has been filed alleging that for two years they were paid the 'Annuity amount' but thereafter it was stopped without assigning any reason. Land Acquisition Collector has filed the reply-affidavit taking a plea that payment of 'Annuity' was stopped as the petitioners did not allegedly submit the application form within six months.

We have heard learned counsel for the parties. The plea taken by

the Land Acquisition Collector appears to be a lame excuse for his failure to

release the `Annuity' to which the petitioners are admittedly entitled to in lieu of acquired land. The application form, if any, ought to have been obtained by the Land Acquisition Collector in the very beginning.

Once the Authority started paying `Annuity', there could possibly be no occasion for the petitioners to submit further applications. We, thus, dispose of this writ petition with a direction that the arrears of `Annuity' be released to the petitioners alongwith interest @ 7% per annum within three months from the date of receipt of certified copy of this order. Hitherto also the `Annuity' shall be paid to the petitioners uninterruptedly and in the event of any delay, they shall be entitled to interest @7% per annum which shall be personally recoverable from the Officers/officials found responsible for such delay.

**(SURYA KANT)
JUDGE**

December 01, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |