

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9401 of 2016

Date of Decision: 13.5.2016

M/s Ascot Hotel and Resorts Pvt. Ltd., New Delhi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the 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?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Aman Chaudhary, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the action of the respondent-authorities in withholding the compensation amount of ₹ 3,30,29,026/-. Further a writ of mandamus has been sought directing the respondent-authorities to pay interest @ 15% on the delayed release of compensating amount of ₹ 3,30,29,026/- from the date of award, i.e. 10.9.2014 till its actual payment, i.e. 31.12.2014.
2. The petitioner was owner in possession of the land measuring 66 bigha 3 biswas situated in Karnal since 2006-07. The said

land was purchased by the petitioner through various deeds and the mutations thereof were sanctioned in its name. Government of Haryana vide policy dated 19.12.2006 had issued parameters for the grant of licences and permission for change of land use for the entire land. In pursuance thereto, the petitioner along with other landowners applied for grant of licence for 27.097 acres under Haryana Development and Regulation of Urban Areas Act, 1975 to respondent No.2 vide application dated 24.7.2006 (for 16 acres) which was later amended to 27.097 acres vide application dated 21.7.2008. The petitioner also deposited a sum of ₹ 1,36,62,522/- on account of scrutiny fee-cum-processing fee and relevant ownership documents. The petitioner came to know about the acquisition proceedings qua its land in the first week of March, 2011 when the officials of respondent No.2 came to measure the land under Section 8 of the Land Acquisition Act, 1894 (in short "the Act"). Government of Haryana vide notification dated 7.8.2009 issued under Section 4 of the Act followed by a notification dated 2.3.2010 under Section 6 of the Act acquired the land of the petitioner measuring 44 bigha 13 biswas for the purpose of construction of waste water treatment plant 15 MLD for augmentation of 40 MLD to 55 MLD at Karnal. The petitioner filed CWP No. 12630 of 2011 challenging the said notifications. This Court vide order dated 16.9.2011 allowed the writ petition and quashed the said notifications. Thereafter, the Government vide notification dated 25.1.2012 issued under Section 4 of the Act followed by notification dated 11.9.2012 under Section 6 of the Act acquired the land measuring 45 bigha 8 biswas situated in village Karnal, Tehsil and District Karnal for the construction of waste water treatment plant 15 MLD for Augmentation of 40 MLD to 55 MLD in Karnal. The petitioner

filed objections under Section 5-A of the Act. The petitioner challenged the said notifications vide CWP No. 2716 of 2013 and this Court vide order dated 18.7.2013 dismissed the said writ petition. Respondent No.3 passed the award on 10.9.2014 (Annexure P-1). The petitioner vide letter dated 18.9.2014 (Annexure P-2) requested respondent No.3 for releasing the balance compensation amount along with 15% interest from the date of award till its payment. Again the petitioner vide letter dated 21.11.2014 (Annexure P-3) asked respondent No.1 for release of the balance compensation amount along with interest. Respondent No.3 released the balance compensation amounting to ₹ 3,30,29,026/- for the acquired land on 31.12.2014. The petitioner filed CWP No. 16650 of 2015 for interest on the delayed release of compensation amount which was dismissed as withdrawn with liberty to file a fresh one with better particulars by this Court vide order dated 3.9.2015 (Annexure P-4). Respondent No.3 vide letter dated 1.10.2015 (Annexure P-5) supplied information being asked by the petitioner under the Right to Information Act, 2005 that the amount of compensation was not paid due to the fact that the Public Health Department had not deposited the entire amount of compensation due to the petitioner. Further, information dated 29.9.2015 (Annexure P-6) was supplied by the Public Health Engineering Department that the entire compensation had not been deposited at the time of the award and the balance amount of compensation was deposited only on 30.12.2014. Thereafter, the petitioner sent representations dated 18.12.2015 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3 for interest on delayed release of compensation amounting or ₹ 3,30,29,026/-, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved representations dated 18.12.2015 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 18.12.2015 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of interest on delayed release of compensation, the same be released to it within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 13, 2016
gbs

(RAJ RAHUL GARG)
JUDGE