

COCP No.1374 of 2017
Date of decision: 14.11.2017

Usha Rani and anotherPetitioners

versus

Ravi Bhagat and othersRespondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**Present:** Mr. Vijay K. Jindal, Advocate
for the petitioners.Mr. Rupinder Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate
for the respondents.**DAYA CHAUDHARY, J. (ORAL)**

Learned Senior Counsel for respondents submits that initially a plot measuring 291 square yards was allotted and, thereafter, plot measuring 200 square yards was allotted but the same were not accepted. Thereafter, another plot measuring 320 square yards was allotted and no encroachment is there on plot.

Learned counsel for the petitioners submits that he is ready to accept the plot measuring 320 square yard, in case, encroachment is not there. It is the apprehension of the petitioners, that encroachment may not be there over that plot and Local Commissioner may be appointed and he is ready to bear the expenses. After some time, learned counsel for the petitioners, on instructions of petitioners, who are present in the Court submits that because of outer encroachment, the plot was not accepted.

Learned Senior Counsel for the respondents submits that respondents are ready to return the amount with interest @ 12 per cent. The offer made by respondents appears to be fair. The offer made by the respondents is acceptable to petitioners and a cheque dated 07.11.2017

amounting to Rs.11,48,602/- has been handed over to petitioners who are present in the Court with 12 per cent as simple interest whereas, petitioners submits that the amount be returned with compound interest.

By considering the submissions made by learned counsel for the parties, the petitioners are directed to have the amount. In case, there is any difference in amount, the petitioners have a right to claim with compound interest. He is at liberty to make representation to the respondents authority and in case, any provision is there for grant of compound interest, the same be granted if the policy permits. In case there is no policy, a detailed speaking order be passed which the petitioners can challenge in case they are aggrieved in any manner.

Disposed of.

(DAYA CHAUDHARY)
JUDGE

14.11.2017

Neha

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No