

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**COCP No.2280 of 2016 (O&M)**

**Date of decision: 24.07.2017**

**Yogender Singh**

**..Petitioner**

**Versus**

**Suresh Kumar**

**..Respondent**

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

**Present:** Mr. Kamal Chaudhary, Advocate for  
Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Mr. S.S. Mann, Sr. DAG, Haryana  
for the respondent.

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**Daya Chaudhary, J. (Oral)**

Vide order dated 27.04.2016, CWP No.7713 of 2016 was disposed of with a direction to respondent No.4 to take decision on representation dated 12.02.2016 (Annexure P-12) in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order. A further direction was also issued that in case, the petitioner is entitled for interest on the amount of compensation, the same be paid to him within next one month.

In response to notice of motion, reply has been filed, which is on record. Relevant portion of the reply is reproduced as under: -

*“6. That the contents of para no.6 of the contempt petition are matter of record to the extent that the petitioner has received the compensation of acquired land in dispute. It is wrong that interest on compensation has not been paid to the petitioner as contemplated under the Land Acquisition Act, 1894. In fact, under the provisions of section 23(1-A) of Land Acquisition Act, 1894, the petitioner is entitled for additional amount @12% p.a. on market value of*

*acquired land from the date of publication of notification under section 4, sub section (1) to the date of award of collector or the date of taking possession of acquired land, whichever is earlier. Similarly, under the provisions of section 23(2) of Land Acquisition Act, 1894, the petitioner is entitled for solatium @30% on market value, in consideration of the compulsory nature of the acquisition. It is pertinent to mention here that DRO cum LAC, Sonipat assessed the market value of land in dispute @ Rs. 30,00,000/- (thirty lacs) per acre for every kind of land. The additional amount @ 12% p.a as provided under section 23(1-A) of Land Acquisition Act, 1894, was calculated on market value (thirty lacs) from the date of notification u/s 4 of the Land Acquisition Act, 1894 to the date of award, which came to Rs. 10,80,900/-. Similarly, solatium @30% as provided under section 23(2) of Land Acquisition Act, 1894, was calculated on market value (thirty lacs), which came to Rs. 9,00,000/-. The DRO cum LAC, Sonipat offered Rs. 49,80,900/- per acre as compensation (30,00,000+10,80,900+9,00,000/-) of land in dispute at the time of award. The petitioner has received the compensation as per his share in the acquired land on the basis of compensation of Rs. 49,80,900/- per acre offered by DRO cum LAC, Sonipat at the time of award. Keeping in view the facts mentioned above, it is clear that compensation has been offered to the petitioner in accordance with statutory benefits provided under the provisions of section 23 of Land Acquisition Act, 1894. It is wrong that the petitioners have not been paid interest on compensation on the date of acquisition as contemplated under the Land*

*Acquisition Act, 1894. As per the provisions of section 23(1) of Land Acquisition Act, 1894, the petitioner is entitled additional amount on market value of acquired land @ 12% p.a from the date of notification u/s 4, sub section (1) of Land Acquisition Act, 1894, to the date of award of collector or the date of taking possession of acquired land, whichever is earlier. It is necessary to mention here that there is no provision under section 23 of Land Acquisition Act, 1894 to provide interest on compensation.”*

In view of the averment made in the reply, the amount of interest, which comes to ₹10,80,900/-, has been paid to the petitioner. Interest of solatium @ 30% as provided under Section 23(2) of the Land Acquisition Act, 1894 has also been calculated on market value, which comes to ₹9,00,000/-. The issue of enhancement is pending before the Additional District Judge, Sonipat and on decision thereof in favour of the petitioner, the necessary compliance will be made.

In view of the submission and the averments made in the reply, the present contempt petition is disposed of accordingly.

In case, the petitioner is still aggrieved in any manner, he is at liberty to move representation to the competent authority within a period of one month and the same be considered within a period of two months thereafter.

**24.07.2017**  
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**(DAYA CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No