

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 16220 of 2016 (O&M)
Date of decision: 1.3.2017

Tarlochan Singh

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J. P. S. Sidhu and Mr. Preetwinder Singh Dhaliwal,
Advocates for the petitioner(s).

Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. B. S. Thind, Assistant Advocate General, Punjab.

Mr. Sandeep Vermani, Advocate for respondent No. 4 in
CWP Nos. 16220, 17060, 17660, 17715 and 18001 of 2016.

..

Rajesh Bindal J.

This order will dispose of a bunch of petitions bearing CWP Nos. 16220, 17060, 17660, 17715, 18001, 19402, 20361, 20395, 22579, 22591, 22654 and 22656 of 2016, as common questions of law and facts are involved.

In the cases in hand, the land owned by the petitioners was acquired for the purpose of setting up of Peona Power Plant at village

Gobindpura, District Mansa, vide notification dated 15.10.2010 issued under Section 4 of the Land Acquisition Act, 1894. The landowners had accepted the compensation and did not raise any dispute in terms of the policy framed by the Government, where they were entitled to additional sum as 'No Litigation' incentive. The only grievance is that the amount of compensation was required to be paid immediately on pronouncement of award by the Collector, however, there was substantial delay. The compensation was deposited in the bank quite late. Now the amount of compensation along with interest, which accrued on FDRs, has been paid, however, that does not take care of the entire period of delay in payment of amount.

The issue sought to be raised by learned counsel for the respondents was that the petitioners herein are not entitled to receive any interest as they had not delivered the possession of the land to the State. The interest will accrue only from the date possession is delivered.

After hearing learned counsel for the parties and finding that there is factual dispute with reference to delivery of possession of the land after acquisition, in our opinion, the same cannot be resolved in writ jurisdiction. The dispute pertaining to the aforesaid issue only be referred by the Collector to the District Judge concerned for decision thereof after affording opportunity of hearing to the parties. The parties shall be at liberty to lead evidence in support of their claim. The amount of compensation has already been paid and even the interest, which had accrued on FDRs. In case, the amount finally found to be due is more than the amount already paid, after adjustment thereof, the balance shall be paid by the State subject to its availing any further remedy against the order so passed.

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

1.3.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No