

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

C.W.P. No. 18131 of 2017 (O&M)

Date of decision: 18.8.2017

Rattanmala Kaur

.. Petitioner

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate, General, Haryana.

Rajesh Bindal, J.

Prayer in the present writ petition is for quashing of the impugned public notice dated 30.7.2017, qua the present petitioner, whereby it has been directed that the landowners, whose names are mentioned in the impugned notice, to deposit the amount paid in excess along with interest within a period of seven days, failing which it will be presumed that excess amount so received is in connivance with the officials/officers of respondent no. 3 and appropriate strict legal proceedings/criminal proceedings will be initiated against them.

Learned counsel for the petitioner submitted that in terms of a public notice in the newspaper, a sum of ₹ 40,91,226/- has been shown to be recoverable from the petitioner on account of alleged excess payment of compensation on account of acquisition of land owned by her. This includes interest @ 15% per annum.

Learned counsel for the petitioner further submitted that he has submitted demand draft bearing no. 037575 dated 10.8.2017, amounting to ₹ 34,87,431/- drawn on HDFC Bank, Leela Bhawan, Patiala, in favour of the Land Acquisition Collector, Urban Estate, Panchkula. The demand draft is pertaining to the principal amount of excess paid compensation. He further submitted that the petitioner having not utilized the amount as such, should not be burdened with interest. However, he submitted that whatever reasonable interest this Court directs, the petitioner will pay in next two weeks.

On the other hand, learned counsel for the respondents submitted that the amount shown recoverable from the petitioner in the public notice includes the principal amount and interest @ 7% per annum. The interest has been calculated in terms of earlier order passed in the case of the petitioner on 2.5.2017 in CWP No. 18090 of 2015, where this Court directed payment of interest @ 7% per annum. As the State itself has calculated the interest @ 7% per annum, the balance amount after reducing the amount paid by the petitioner today is required to be paid by the petitioner.

After hearing learned counsel for the parties, in our opinion, the writ petition can be disposed of with a direction to the petitioner to pay the balance amount demanded by the State as it includes interest @ 7% per annum as was directed in earlier writ petition filed by the petitioner. The needful be done in two weeks.

Learned counsel for the petitioner further raised an issue that on the amount of interest received on the enhanced compensation, the petitioner has already paid income tax and now that amount is being

refunded to the State. As that issue is not under consideration before this Court, the petitioner may avail of her appropriate remedy for seeking refund of the income tax, if so advised.

With the aforesaid observations and undertaking given by learned counsel for the parties, the writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

18.8.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No