

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

**CWP No.20581 of 2017
Date of Decision : 25.10.2017**

Buta Ram @ Nathi Ram

.....Petitioner

Versus

Tribunal Improvement Trust, Jalandhar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Gian Chand Garg, Advocate for respondent No.2.

Mr. Jagmohan Ghumman, DAG, Punjab
for respondents No.3 and 4.

ARUN PALLI, J. (Oral)

Contentends that the matter in issue is squarely covered by an order and judgment, dated 31.10.2013, rendered by the Division Bench of this Court in **CWP No.11257 of 2013 (Raksha Vs. Tribunal Improvement Trust, Jalandhar and others)** and other connected matters, vide which in the writ petitions arising out of the same acquisition, the compensation awarded to the claimant/landowners was enhanced by this Court.

Notice of this petition was issued to the respondents.

Mr. Gian Chand Garg, Advocate has caused appearance on behalf of respondent No.2 and Mr. Jagmohan Ghumman, DAG, Punjab for respondents No.3 and 4.

The factual position, as set out above, is not disputed by learned counsel for the respondents.

However, it is urged that the present petition has been preferred after almost 5 years of passing of the impugned award, dated 01.12.2012 (Annexure-P1), rendered by the Tribunal.

In response, learned counsel for the petitioner submits that in terms of his statement made on the previous date of hearing the petitioner shall give up his claim qua interest on the enhanced compensation for the period of delay in filing the writ petition i.e. 1709 days.

Heard.

Even though, the petitioner has been remiss in pursuing his cause and the present petition has been filed after a considerable delay, but the fact remains that the co-landowners, in the petitions arising out of the same acquisition, have since been awarded enhanced compensation by this Court. So much so, the decision of this Court in the case of **Raksha (supra)** has since attained finality. Therefore, it indeed would be unjust to deprive the petitioner of the enhanced compensation, particularly when he is not a litigant by choice but owing to the compulsory acquisition of his land holding. However, to balance the equities, the petitioner shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the writ petition i.e. 1709 days. In the given situation, it would be expedient to refer to the decisions of the Hon'ble Supreme Court in *Imrat Lal and others v. Land Acquisition Collector and others*, 2015(2) RCR (Civil) 437 and *Dhiraj Singh (D) Tr. LRs. v. Haryana State and others*, 2015

(2) RCR (Civil) 507. Accordingly, the petition is allowed, in terms of the decision of this Court in the case of **Raksha (supra)**. However, the petitioner shall not be entitled to any interest on the enhanced compensation for the period of delay of 1709 days in filing the writ petition.

25.10.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No