

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 22967 of 2017
Date of decision: 30.11.2017

Jagbir Singh and others ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Pankaj Jain, Advocate
for the petitioners.

ARUN PALLI, J. (Oral):

Notice of motion was issued to the respondents and Ms. Safia Gupta, AAG, Haryana, has caused appearance on their behalf.

For, the nature of order I propose to pass in this petition no formal written statement/counter affidavit, on behalf of the respondents, is indeed necessary, at this stage.

Vide notification, dated 17.12.2013 (published on 27.12.2013), issued under Section 4, a land situated in village Basai Tehsil and District Gurugram, including the land holdings of the petitioners, was sought to be acquired for development and utilization of Public Utility Sector 101, Gurugram. Final declaration under Section 6 was published on 8.12.2014, vide which an area measuring 245.26 acres was acquired. Vide award Nos. 41 and 43 dated 1.12.2016, the Land Acquisition Collector assessed the value of the acquired land. The contents of the award rendered by the Collector reveals that possession of a land measuring 84.10 acres was obtained vide rapat No.395 dated 01.12.2016 (Annexure P-2). The limited grievance of the petitioners is that neither they were offered any compensation at the time of pronouncement of the award nor did they ever

decline to receive the same. In fact, the claimant/landowners were actually paid the compensation much later in April 2017. Thus, it is claimed that in terms of the provisions of Section 80 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioners are entitled to interest @ 9% per annum, on the compensation awarded by the Collector, for the period of delay. It is maintained that vide representation dated 10.08.2017 (Annexure P-4), the petitioners had even represented to the respondents in this regard. But to no avail.

In response, learned State counsel submits that the claim of the petitioners as also their representation, dated 10.08.2017 (Annexure P-4), shall be considered and decided within a period of 8 weeks from today and the appropriate orders, in accordance with law, shall be passed.

Accordingly, the petition is disposed of in the above terms. However, in the event, the petitioners are not found entitled to the interest being claimed, the authorities shall pass a comprehensive order assigning reasons in support thereof. Whereas on the contrary, if their claim is accepted, the requisite amount, they are found entitled to, shall be released at once.

30.11.2017
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No