

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

CWP No.26405 of 2017
Date of decision: 01.12.2017

Nathi Ram

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Jagmohan Ghuman, DAG, Punjab.
Mr. Vipul Sachdeva, Advocate for
Mr. Sandeep Khunger, Advocate for respondents No.3 & 4.
...

ARUN PALLI, J. (Oral)

Learned counsel for the petitioner submits 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.3980 of 2013 [**Prem Kumar v. Tribunal Improvement Trust, Jalandhar & others**] and other connected cases, vide which in the writ petitions arising out of the same acquisition, the compensation awarded to the claimant/land owners was enhanced by this Court.

Notice of this petition was issued to the contesting respondents.

Mr. Jagmohan Ghuman, DAG, Punjab and Mr. Vipul Sachdeva, Advocate for Mr. Sandeep Khunger, Advocate have caused appearance on behalf of respondents No.1 & 2 and respondents No.3 & 4, respectively.

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 five years of the passing of the impugned award dated 13.10.2012 (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 i.e. 1859 days in filing the writ petition.

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 petition 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 Prem Kumar (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. 1859 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 Prem Kumar's case (supra). However, the petitioner shall not be entitled to any interest on the enhanced compensation for the period of delay of 1859 days in filing the writ petition.

01.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO