

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

CWP No.26592 of 2017
Date of decision: 21.11.2017

Sukhpal 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.

Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For, the nature of order I propose to pass in the matter, no formal written statement/counter affidavit on behalf of the respondents is indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being finally disposed of.

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 25.05.2017 (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 25.05.2017 (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.

November 21, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO