

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9788 of 2016 (O&M)
Date of decision: 7.9.2017

Tarsem Singh

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Aggarwal, Advocate for the petitioner(s).
Ms. Anju Arora, Additional Advocate General, Punjab.
Mr. Sandeep Khunger, Advocate for respondents No. 2 & 3.

...

Rajesh Bindal J.

This order will dispose of a bunch of petitions bearing CWP Nos. 9788, 11082 and 11112 of 2016, as the issue involved in all the petitions is common.

However, the facts have been extracted from CWP No. 9788 of 2016.

The petitioner has filed the present petition impugning the award dated 27.5.2013, passed by President, Tribunal Improvement Trust, Jalandhar, (for short, 'the Tribunal'), whereby the reference petition filed by him has been dismissed. The land was acquired by Jalandhar Improvement Trust vide notification dated 31.5.2004 issued under Section 36 of the Punjab Town Improvement Act, 1922.

Learned counsel for the parties are agreed that as far as the claim of compensation by the petitioner is concerned, the issue is covered

by the judgment of this court in CWP No. 1058 of 2014—Prem Nath and another v. Tribunal Improvement Trust, Jalandhar and others, decided on 26.10.2016, where for the acquisition vide same notification, compensation was enhanced. However, learned counsel for respondents No. 2 & 3 submitted that there being huge delay in filing the writ petition, the petitioner should not be held entitled to interest for this period.

After hearing learned counsel for the parties, we are of the view that the claim made by the petitioner, as far as compensation for the acquired land is concerned, is squarely covered by the judgment of this court in Prem Nath's case (supra), hence, the petitioner shall also be entitled to same amount of compensation.

As far as entitlement of interest on the enhanced compensation is concerned, the petitioner having filed the writ petition in May, 2016 impugning the award of the Tribunal passed on 27.5.2013, in our view, the petitioner shall not be entitled to interest for a period of two years and six months.

The writ petitions stand disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

7.9.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No

