

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

CM-8074-CI-2017; and
RFA No.6691 of 2015
Date of decision: 09.08.2017

State of Haryana and others

... Appellants

Versus

Prithvi Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Shivendra Swaroop, AAG, Haryana,
for the appellants.
Mr. Rajiv Kumar Saini, Advocate for the respondents.

ARUN PALLI, J. (Oral)

CM-8074-CI-2017

This is an application seeking vacation of an ex parte stay order dated 30.10.2015.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the non-applicant/appellants.

Having argued the matter at some length, learned counsel for the parties submit that let the main appeal itself be heard and decided.

Accordingly, the appeal is taken on board.

CM stands disposed of in the above terms.

RFA No.6691 of 2015

State is in appeal against the award rendered by the Reference Court, dated 06.04.2015. The facts that are required to be noticed are limited.

Vide notification dated 16.06.2011, issued under Section 4 of the Land Acquisition Act, 1984 (for short, 'the Act'), an area measuring 14 biswa, situated in Village Phalsanda Jattan, Sub Tehsil Babain, District

Kurukshetra, was sought to be acquired for construction of road from Simbalwal to Phalsanda Jattan. Final declaration under Section 6 of the Act was published on 27.12.2011. Vide award No.1, dated 27.04.2012, the Land Acquisition Collector assessed the market value of the acquired land @ ₹ 15/- lakh per acre. Being dissatisfied with the assessment as also the compensation awarded by the Collector, the claimant-land owners filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court for determination of the true value of the acquired land. Vide impugned award, although the Reference Court affirmed the assessment made by the Land Acquisition Collector, but awarded interest to the claimants-land owners w.e.f. October 1984, for the State Government was concededly in occupation and possession of the acquired land since then. That is how, as indicated above, the State is in appeal before this Court. Vide order dated 30.10.2015, this Court had stayed the execution of the impugned award.

Learned State counsel submits that in view of the decision of the Supreme Court in **Special Land Acquisition Officer v. Karigowda, 2011(7) RCR Civil 888**, the Reference Court ought not to have awarded interest or any other benefit to the claimant-land owners for a period prior to the date of notification i.e. 16.06.2011, issued under Section 4.

The proposition of law laid down by the Supreme Court in **Karigowda's case** (supra) is not disputed by the learned counsel for the respondents either.

Accordingly, the appeal is allowed and the impugned award dated 06.04.2015 is set aside. However, the respondent-land owners shall be at liberty to approach the concerned Collector to award interest/appropriate

compensation to the claimant-land owners, for the State Government remained in unauthorized possession and occupation of their land holding since October, 1984. Learned State counsel submits that in the event any such application is moved, the same shall be decided within a period of two months from the date of its receipt. Needless to assert, a comprehensive order shall be passed in accordance with law and assigning reasons in support thereof. The claimant-respondents shall also be afforded an opportunity of hearing. However, this order shall have no bearing upon the appeals preferred by the claimant-land owners for further enhancement, which are stated to be pending post admission.

(Arun Palli)
Judge

August 9, 2017
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO