

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

-:-

C.W.P No. 22342 of 2016

Date of decision: 05.07.2018

Virender Singh & Ors.

... Petitioners

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

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

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Rajiv Sharma, Advocate, for respondent Nos. 2 and 3.

G.S.SANDHAWALIA, J. (Oral)

Petitioners seek a direction under Article 226 of the Constitution of India in the nature of mandamus to the respondents to release/make payment of the annual annuity amount to them on account of acquisition of the land for construction of Jind-Gohana-Sonipat Railway Track. The claim is based on the Rehabilitation and Resettlement of Land-Owners Acquisition Oustees Policy dated 09.11.2010 (Annexure P/2) circulated by respondent No.1.

The amounts have been now duly paid after filing of the present writ petition. The only issue thus remains is the interest liability as such on account of delayed payment.

Counsel for the State has opposed the grant of interest.

Para Nos. 10 and 11 of the written statement dated 27.03.2018

filed by the State on behalf of respondent Nos. 1 and 5 are reproduced as under:-

“10. That 7 kanals 16 marlas land of the petitioners was acquired vide award dated 04.04.2012. As per annuity scheme of 2010, the first installment of annual annuity became due in January 2013 and in total six installments of annual annuity are payable till March 2018. Accordingly, it amounts to a sum of Rs.1,28,475/- and the vouchers of the same bill amount have been sent to the Treasury, Sonapat for passing of the same.

11. That an amount of Rs.50,694/- (Fifty Thousand Six Hundred Ninety Four only), Rs.50,694/- (Fifty Thousand Six Hundred Ninety Four only) and Rs. 27,087/- (Twenty Seven Thousand Eighty Seven only) will be credited to the bank accounts of petitioner No.1, petitioner No.2 & petitioner No.3 respectively in the next ten working days after getting clearance from the Treasury.”

Above paras would go to show that the first installment of annual annuity was due in January 2013 and has only been paid in March 2018 i.e. after a period of five years only after the writ petition was filed. The power to grant interest on a principal sum can be from the date of institution of proceedings till recovery of the amount or even on the determination made on order of recovery of dues.

However in the present case as noticed it is case of the State

itself that the amount was due in the year 2013 as per their own policy, therefore the amount as such has been denied for usage by the petitioners. In such circumstances they are well entitled to put forward a claim of interest as no valid reasons as such has been made out by the State to defend the inordinate delay that has taken place of 5 years.

Counsel for the petitioners also relied upon the order of Division Bench of this Court in **C.W.P No. 3123 of 2016, decided on 01.12.2016, “Jagdish Rai & Ors. Vs. State of Haryana & Ors.”**, in similar circumstance whereby the annuity had been stopped without assigning any reason. Resultantly, directions were issued on 01.12.2016 that the amount be released along with interest @7% per annum.

Relevant portion of the order reads as under:-

“ Once the Authority started paying 'Annuity', there could possibly be no occasion for the petitioners to submit further applications. We, thus, dispose of this writ petition with a direction that the arrears of 'Annuity' be released to the petitioners alongwith interest @7% per annum within three months from the date of receipt of certified copy of this order. Hitherto also the 'Annuity' shall be paid to the petitioners uninterruptedly and in the event of any delay, they shall be entitled to interest @7% per annum which shall be personally recoverable from the officers/officials found reasonable for such delay.”

In such circumstances, the parties shall also be entitled to

interest @7% per annum on account of delayed payment from the date it became due i.e. January 2013 onwards. The same accordingly be made within a period of two months from the date of receipt of certified copy of this order.

Petition stands disposed of.

July 05, 2018
tripti

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No