

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22773 of 2018
Date of Decision:07.09.2018

Haryana Urban Development Authority, Panchkula and others
..... Petitioners
Vs.

Permanent Lok Adalat, Public Utility Services, ADR Centre, District Court
Complex, Sirsa and others
..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Deepak Sabherwal, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order of the Permanent Lok Adalat (Public Utility Services), Sirsa [for short 'the PLA'] dated 02.06.2016.

In brief, a notification under Section 4 of the Land Acquisition Act, 1894 was issued on 27.11.1992 followed by the notification issued under Section 6 dated 27.11.1993 for acquisition of land for the development of various sectors in Sirsa. The Land Acquisition Collector announced the award on 15.11.1995 which was challenged by the land owners before the Civil Court and the Civil Court enhanced the compensation by various orders dated 4.5.1999, 25.09.1999, 24.08.2000 and 07.09.2004. The petitioners filed the Regular First Appeal to challenge the order of enhancement of compensation which was dismissed. The petitioners paid the enhanced compensation to the land-owners to the tune of ₹12,11,31,484/- upto 30.6.2005. The petitioners carved out the plots in

Sector 20, Sirsa and made the allotment in the year 2000. Thereafter, the petitioners issued notices to the allottees to pay ₹115.60 per sq. yards towards enhancement which was paid by them. However, the allottees filed complaint before the PLA challenging the demand notices on the ground that the amount of enhancement cannot be claimed from them because the enhancement was determined by the Court before the allotment. The complaint was filed before the PLA after the decision of the Supreme Court in SLP (Civil) No.2324-2392 of 2009 titled as “*HUDA and others Vs. Ekta Jain and others*” decided on 01.07.2013 by which the order passed by the National Consumer Disputes Redressal Commission, New Delhi was affirmed and the demand notices issued to the allottees of Sector 20, Sirsa were quashed. The PLA, vide its impugned order, ordered for the refund of the amount, illegally taken by the petitioners in the name of enhancement, with interest.

Learned counsel for the petitioners has submitted that the PLA has erred in directing the refund of the amount that too with interest especially when the respondents have approached the PLA after delay.

I have heard learned counsel for the petitioners in detail and after perusal of the record, am of the considered opinion that there is no error in the impugned order because the petitioners had no right to recover the enhanced amount from the respondents which came into being before the allotment of the plots, therefore, the petitioners had illegally collected the amount from the gullible allottees under the threat of resumption which is not only liable to be refunded but the respondents are rightly held to be entitled to interest, which has accrued on their amount, which was lying illegally in possession of the petitioners.

No other point has been raised.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed.

07.09.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned

:

Yes/No

Whether Reportable

:

Yes/No