

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

SAILESH RANJAN
2019.04.25 15:30
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CWP-26734-2018

Date of Decision:09.04.2019

Jagtar Singh and others

... Petitioners

Vs.

Tribunal, Improvement Trust, Jalandhar and others

... Respondents

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

Present : Mr. Harsh Bunker, Advocate
for the petitioners.

Mr. Sandeep Khunger, Advocate
for respondent No.3.

G.S. SANDHAWALIA, J. (Oral)

The petitioners have filed the petition under Article 226/227 of Constitution of India seeking the benefit of compensation as per the judgment passed by the Division Bench of this Court in CWP No.11257-2013; Raksha v. Tribunal Improvement Trust, Jalandhar and others; decided on 31.10.2013 (Annexure P-3).

While issuing notice of motion on 17.10.2018, the following contention of the counsel for the petitioners was noted which reads as under:

“Inter alia submits that the petitioners were claimants before the Improvement Trust Tribunal at Sr. No.38 and a sum of Rs.23,76,000/- per acre was awarded instead of Rs.20 lakhs, as determined by the Land Acquisition Collector, which was further enhanced vide judgment dated 31.10.2013 (Annexure P-3) in three categories, ranging from Rs.34,90,560/-, 29,67,200/- (Gair Mumkin Chapper) and Rs.41,88,800/-. It is further pointed out that the matter had further been taken, unsuccessfully, to the Apex Court by the respondent-Trust and the order was upheld on 1.11.2017.

*Notice of motion to respondents No.3 and 4 for
06.12.2018.*

Service of respondents No.1 and 2 is disposed with.”

The only issue which could be disputed by the Trust is that the writ petition was filed after a period of 6 years from the date of impugned award and there was no reason for this huge delay of 6 years.

Reliance was placed on the Division Bench judgment of this Court in CWP No.9788 of 2016; Tarsem Singh v. State of Punjab and others; decided on 7.9.2017 (Annexure R-3/1) wherein in similar circumstances the interest was denied for 2 ½ years as there was delay of 3 years. Relevant portion reads as under:

*“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.”*

Mr. Bunker has unsuccessfully tried to convince this Court that since the matter was taken to the Supreme Court by the Improvement Trust and the matter had attained finality on 1.11.2017, therefore, there was no delay as such.

The said argument is liable to be rejected. The reasonable time for filing writ petition is within 6 months or 1 year from the date of the award. The land owners had availed the remedy and have become successful and the petitioners had chose to sleep over their right and Improvement Trust cannot be made liable to pay statutory interest. It is for the petitioners to file the writ petition at the earliest, therefore, interest is only to be paid for the period of 6 months only. The cause of action to file arose on decision

by the Reference Court in October, 2013 and not on finalization of the litigation before the Supreme Court.

Keeping in view the above facts and circumstances, the present writ petition is also allowed in the same terms as in CWP No.11257-2013; Raksha v. Tribunal Improvement Trust, Jalandhar and others; decided on 31.10.2013. However, the petitioners would not be entitled for the benefit of interest for the delayed period of 5 ½ years.

09.04.2019
rajeev/sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No