

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4778 of 2019**

Jagdish S/o Ruplal Aged About 65 Years R/o Village Badadarha,
Tahsil Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Revenue And Disaster Management Ministry Mahanadi Bhawan, Atal Nagar Raipur, Chhattisgarh.
2. The Collector Janjgir, District Janjgir-Champa, Chhattisgarh.
3. Sub Divisional Officer (Revenue)-Cum- Land Acquisition Officer Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Vimal Kumar Tondey, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/01/2020**

1. The limited grievance that the petitioner has sought for in the present writ petition is the non-granting of interest on the compensation amount paid to the petitioner for the land belonging to the petitioner, which was acquired.
2. From the pleadings of the writ petition, it reflects that the land belonging to the petitioner was acquired in December, 2013. The payment of compensation for the said acquisition of property was made only in January, 2016 i.e. after more than 3 years time. The acquisition of the property was carried out under the Land Acquisition Act, 1984.
3. Section 34 of the said Act deals with payment of interest. For ready reference the said section is reproduced herein under:

“34. Payment of interest - When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of [nine per centum] per annum from the time of so taking possession until it shall have been so paid or deposited:

[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]”

4. Once when the respondents failed to deposit the amount, when the acquisition took place or when the award was passed and the compensation was paid at a belated stage, the petitioner should have been paid compensation with interest till the date of payment in terms of Section 34 of the said Act. It appears that the respondents have only deposited the principal amount without calculating any interest.
5. Be that as it may, let the petitioner approach the respondent No.3 by filing a detailed application giving all details in respect of the acquisition and the date of acquisition, date of payment of compensation and also put in forth his claim for interest in the said representation. The respondent No.3 in turn shall take an appropriate decision keeping in view the provisions of Section 34 of the said Act at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge