

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

CWP-20081-2021 (O&M)
Date of decision: 08.11.2021

Rishpal Singh and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K.Khunger, Advocate for the petitioners
Ms. Anju Sharma Kaushik, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

Reply by way of affidavit of Paramvir Singh Sekhon, Executive Engineer, Canal Lining Division, Sri Muktsar Sahib, on behalf of respondent no.1, 2 and 4 has been filed in the Court today and the same is taken on record.

It is not in dispute that pursuant to acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'), the possession of the acquired land has been taken away by the respondents-Department without payment of the complete compensation. In sub-para 5 of para 2 of the aforesaid reply, the respondents have stated as under:-

“(v) The award was passed by the Collector-cum-SDM, Abohar on 05.04.2017. On this day i.e 05.04.2017, the possession of the land was taken by the respondent Deptt. And the amount of compensation was calculated as under:-

Compensation	Rs. 7,92,63,900/-
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Solatium @ 100%	Rs.7,92,63,900/-
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Interest @ 12% Rs.72,78,494/-

Total amount Rs.16,58,06,294/-

According to A-roll, total amount of compensation which was payable to the petitioners, is as under:-

Petitioner No.1 Rishpal Singh	Rs.31,53,609/-
Petitioner No.2 Gurpreet singh	Rs.32,76,030/-
Petitioner No.3 Major Singh	Rs.18,87,668/-

Detail of total amount of compensation paid to the petitioners is as under:-

Petitioner No.1 Rishpal Singh	Rs.15,13,733/-
Petitioner No.2 Gurpreet singh	Rs.15,72,494/-
Petitioner No.3 Major Singh	Rs.9,06,080/-

Detail of remaining amount of compensation to be paid to the petitioners:-

Petitioner No.1 Rishpal Singh	Rs.16,39,876/-
Petitioner No.2 Gurpreet singh	Rs.17,03,536/-
Petitioner No.3 Major Singh	Rs.9,81,588/-"

In para 5, it has been stated that 52% amount of the

compensation has not been paid as the same has not been released by the State Government. As per the scheme of 2013 Act, the Land Acquisition Collector is required to tender the amount at the time the award is announced. It is shocking that the amount as assessed by the Land Acquisition Collector in the year 2017 has not been paid. The landowners, who have been deprived of their precious land, are being made to run from pillar to post.

The respondents have taken a stand that as and when the Department releases the amount, the petitioners shall be paid the same. The aforesaid stand is not in accordance of the scheme of the Act. As per Section 77 of 2013 Act, the Land Acquisition Collector is required to tender the payment of compensation awarded by him to the persons interested and entitled thereto in accordance with the award. It is only

when the persons entitled to compensation do not come forward to receive the same or there is any dispute, the Land Acquisition Collector is required to deposit the amount of compensation with the authority to which a reference under Section 64 is required to be submitted. In fact, Section 77 is pari materia with Section 31 of the Land Acquisition Act, 1894.

Keeping in view the aforesaid facts, it is held that the remaining amount of compensation has been wrongly withheld by the authorities. Consequently, the writ petition is disposed of by directing the Land Acquisition Collector to release the payment to the petitioners, if there is no dispute, within a period of one month from today, failing which the petitioners shall be entitled to take back possession of their lands. This Court is conscious of the fact that such step may cause inconvenience to the public, however, the petitioners, who have been deprived of their property, are required to be adequately compensated. If the State Government fails to pay the amount assessed by the Land Acquisition Collector then the Court is compelled to issue such directions. As a last opportunity, the State has been granted opportunity to pay the amount within a period of 30 days.

08.11.2021

rekha

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

(ANIL KSHETARPAL)
JUDGE