

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

CWP-21170-2021

Date of decision: 14.10.2021

Gateway Rail Freight Limited

....Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Adarsh Jain, Advocate for the petitioner

Mr. Narender Singh Behgal, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner-Company prays for a writ in the nature of Mandamus to direct the respondents to release the compensation assessed for the land as well as the super structure over the acquired land. With respect to the acquired land, the award was passed on 23.12.2016 whereas with regard to super structure, the award was passed on 08.07.2019. The petitioner complains that the amount assessed by the Land Acquisition Collector has not been paid.

Sh. Narinder Singh Behgal, AAG, Haryana has entered appearance on behalf of the respondents, pursuant to supply of advance copy of the writ petition and on instructions from the office of Vijay DRO-cum-LAC, HUDA, Gurugram, submits that the payment will be released shortly.

As per the Land Acquisition Act, 1894 (hereinafter referred

to as 'the 1894 Act'), as well as the Right to Fair Compensation and Transparency in Rehabilitation and Resettlement Act, 2013,(hereinafter referred to as 'the 2013 Act'), the Land Acquisition Collector is required to tender the amount of compensation assessed by him at the time of announcement of the award. There is no provision under both the Acts authorizing the acquiring authority to withhold the payment. It has been noticed that a large number of writ petitions are being filed in the Court complaining non-payment of the assessed compensation. As per Section 31 of the 1894 Act and Section 77 of the 2013 Act, which are para materia, if due to any reason the persons interested do not come forward to receive the payment or there is any other reason to withhold the payment, then the Land Acquisition Collector is required to deposit the amount in the Reference Court.

Let a copy of this order be forwarded to the Chief Secretary, Haryana, to ensure the compliance of the statutory provisions. This Bench has already given such directions, however, it appears that the authorities have failed to take remedial steps.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing the respondents to pay the compensation amount to the petitioner, positively, within a period of 15 days alongwith statutory interest. The Chief Secretary, Haryana, is also requested to inquire into the matter and submit a report to the Court explaining the reasons as to why the landowners, who stand deprived of their land, are not paid the compensation amount at the time of announcement of the

award by the Land Acquisition Collector. Let a status report be submitted to the Court within a period of one month.

Disposed of in the abovesaid terms.

14.10.2021
rekha

(ANIL KSHETARPAL)
JUDGE

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