

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 5181 of 2022

Date of Decision: 15.03.2022

Satnam Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioners claim that they have not been paid the amount of compensation for the land acquired for construction of Abohar Drain 0 to 26350 out falling into Abul Khurana Drain at No. 41360.

2. The learned counsel representing the petitioners relies upon the following order, passed in ***Rishpal Singh and Others v. State of Punjab and Others (Civil Writ Petition No. 20081 of 2021, decided on 08.11.2021)***:-

“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:-

<i>Compensation</i>	<i>Rs. 7,92,63,900/-</i>
<i>Solatum @ 100%</i>	<i>Rs.7,92,63,900/-</i>
<i>Interest @ 12%</i>	<i>Rs.72,78,494/-</i>
<i>Total amount</i>	<i>Rs.16,58,06,294/-</i>

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

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

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

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

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

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

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”.

3. The learned counsel representing the petitioners states that the petitioners are identically situated. Without adverting to the merits of the case, the writ petition is disposed of by directing the Land Acquisition Collector to consider the case of the petitioners and pass an appropriate order, within a period of 30 days, from today.

(Anil Kshetarpal)
Judge

March 15, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No