

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

-.-

CR-406-2022 (O&M)

Date of Decision : 23.03.2022

GMADA through its Estate Officer

...Petitioner

versus

Surinder Kaur and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tarun Vir Singh Lehal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Taken up through virtual mode.

Learned counsel for the petitioner has very fairly stated that cases arising out of the same proceedings already stand dismissed by a co-ordinate Bench of this Court vide orders dated 09.02.2022 and 14.02.2022 passed in CR-405-2022 and in CR-148-2022 respectively, which read as under :

“ The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner herein is a beneficiary of the acquisition of the land. The Executing Court has directed the petitioner to pay interest with respect to the period from 12.12.2006 to 17.03.2008. The learned counsel representing the petitioner contends that the petitioner deposited the amount in the court on 12.12.2006 and 17.03.2008. Hence, the petitioner is not liable to pay the interest on the amount which is due.

From the reading of the impugned order, it is evident that the petitioner filed SLP(C) No.9661 of 2009, in which disbursement of the amount was stayed. The stay order

has been vacated on dismissal of the SLP in the year 2013. The landowner, who has been deprived of the land, could not withdraw the amount of compensation deposited on account of compulsory acquisition of the land because of interim order of the court.

The landowner is required to be paid the amount of market value along with all statutory benefits including the statutory interest. Once the landowner has been deprived of the amount, therefore, the interest on the amount assessed by the Court is payable.

Hence, no ground to interfere in the impugned order is made out. Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

In view of the above, the present petition also stands dismissed.

All the pending miscellaneous applications, if any, also stand disposed off.

March 23, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO