

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

CR-2964-2022 (O&M)

Date of decision: 09.08.2022

Mahipal Singh

...Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate for the petitioner
 Mr. Harsh Vardhan, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

On 29.07.2022, the following order was passed by this

Court:-

“Learned counsel representing the petitioner inter alia contends that the Land Acquisition Collector while allowing the application under Section 28-A of the Land Acquisition Act, 1894, committed error in restricting the benefit of statutory interest upto the date of order, though, it should have been until the date of payment. He submits that despite an application for correction of the aforesaid error, the Land Acquisition Collector has wrongly refused to correct the aforesaid mistake.

Notice of motion.

At the request of the Court, Mr. Harsh Vardhan, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondents and prays for some time.

List on 09.08.2022, for final disposal, in the urgent list.”

Learned counsel representing the petitioner submits that the Land Acquisition Collector has power to correct the errors in the award passed under Section 13-A of the Land Acquisition Act, 1894. He submits that the benefit of statutory interest is payable till the amount is paid to the landowners under Section 34 of the 1894 Act and the Collector has no jurisdiction to deny the same as the expression used by the statute is “*shall*” and not “*may*”.

He submits that the application for correction was filed within a period of six months from the date of award passed under Section 28-A. Section 13-A was not specifically referred to.

Learned State counsel on instructions from Sh.Ajay Pal, Patwari, office of LAC Urban Estate, Hisar, does not dispute the aforesaid factual position.

As per the scheme of the 1894 Act, the landowners who stand deprived of their land due to compulsory acquisition are required to be paid the market value alongwith all other statutory benefits and the interest in terms of Section 28 and 34 of the 1894 Act. Hence, the award passed by the Collector on 08.01.2016 shall stand modified. The petitioners shall be entitled to interest till the date of payment

Disposed of.

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

09.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE