

**In the High Court of Punjab and Haryana, at Chandigarh**

**1. Civil Revision No. 2763 of 2021 (O&M)**

State of Punjab and Others  
... Petitioner(s)

Versus

Dina Nath (Deceased) through his Legal Representatives and Others  
... Respondent(s)

**2. Civil Revision No. 2764 of 2021 (O&M)**

State of Punjab and Others  
... Petitioner(s)

Versus

Jaswant Singh (Deceased) through his Legal Representatives and Another  
... Respondent(s)

**3. Civil Revision No. 2765 of 2021 (O&M)**

State of Punjab and Others  
... Petitioner(s)

Versus

Karam Chand  
... Respondent(s)

**4. Civil Revision No. 2766 of 2021 (O&M)**

State of Punjab and Others  
... Petitioner(s)

Versus

Puran Chand and Others  
... Respondent(s)

5.

Civil Revision No. 2767 of 2021 (O&M)

State of Punjab and Others

... Petitioner(s)

Versus

Basant Singh alias Basant Singh Kohal

... Respondent(s)

6.

Civil Revision No. 2768 of 2021 (O&M)

State of Punjab and Others

... Petitioner(s)

Versus

Munshi Ram

... Respondent(s)

7.

Civil Revision No. 2769 of 2021 (O&M)

State of Punjab and Others

... Petitioner(s)

Versus

Dina Nath (Deceased) through his Legal Representatives

... Respondent(s)

8.

Civil Revision No. 2770 of 2021 (O&M)

State of Punjab and Others

... Petitioner(s)

Versus

Dina Nath (Deceased) through his Legal Representatives and Others

... Respondent(s)

**9. Civil Revision No. 2771 of 2021 (O&M)**

State of Punjab and Others

... Petitioner(s)

Versus

Sansar Singh (Deceased) through his Legal Representatives and Others

... Respondent(s)

**AND**

**10. Civil Revision No. 2840 of 2021 (O&M)**

State of Punjab and Others

... Petitioner(s)

Versus

Jaswant Singh (Deceased) through his Legal Representatives

... Respondent(s)

**DATE OF DECISION: 16.11.2022**

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Sandeep Chopra, Deputy Advocate General,  
Punjab, for the petitioner(s).

Mr. Daljeet Singh Kahlon, Advocate  
for the respondents.

**Anil Kshetarpal, J.**

1. The dispute is with regard to the liability to pay the amount of the enhanced compensation for the involuntary acquisition of the land along with the interest or not. The respondents have been deprived of their land on account of compulsory acquisition by the State of Punjab.

2. On the applications of the landowners filed within the prescribed time, the Land Acquisition Collector referred the matter to the

Reference Court. In the first round, the High Court remitted the matter back to the Reference Court, however, in the second round the High Court enhanced the amount of the market value. The operative part of the judgment passed by the High Court on 16.03.2009 reads as under:-

*“In view of the above discussion, the present appeals are allowed and the impugned order of the Reference court is set aside. The claimants whose land was acquired in the year 1990, shall get @ ₹1290/- per marla and the claimants whose land was acquired in the year 1993, shall get ₹1754/- per Marla with all statutory benefits in terms of the provisions of the Amended Act with costs of the appeals.”*

3. In the execution petition, the State of Punjab claims that it is not liable to pay the enhanced amount along with the interest as provided under Section 28 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”). Section 28 of the 1894 Act is extracted as under:-

***“28. Collector may be directed to pay interest on excess compensation.-If the sum, which the Collector did award as compensation, the award of the Court may direct that the collector shall pay interest on such excess at the rate of [nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court:***

*Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.”*

4. It is evident that the Court, while enhancing the market value of the acquired land, is entitled to direct the Collector to pay the amount along with the interest on such excess @ 9% per annum on the date he took possession of the acquired land till the date of payment of such excess in the Court. The rate of interest shall be increased to 15% per annum if the payment is not made within a period of one year from the date of dispossession. While allowing the appeals filed by the landowners, the High Court has specifically directed that they shall be entitled to the market value along with all the statutory benefits. In such circumstances, the expression “statutory benefits” includes the amount of interest. Moreover, there is no justification in denying the component of interest to the respondents. Hence, the conclusion drawn by the Executing Court does not suffer from any material error.

5. Keeping in view the aforesaid facts, all the revision petitions are dismissed.

6. The miscellaneous application(s) pending, if any, in all the revision petitions shall stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**November 16, 2022**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No