

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

CR-6169-2022 (O&M)

Date of decision: 23.12.2022

Ved Parkash (since deceased) through his LRs
....Petitioner

Versus

State of Haryana
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ved Parkash, Advocate for the petitioner

Mr. Harsh Vardhan Shehrawat, AAG, Haryana and
Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. Challenging the correctness of the order passed by the Executing Court on 03.12.2022, the petitioners have filed the present revision petition. On the involuntary acquisition of the land including that of the petitioners, the Land Acquisition Collector offered to pay the compensation amount at the rate of Rs.80,000/- per acre alongwith all the statutory benefits. Not satisfied with the amount offered by the Land Acquisition Collector, on the applications filed under Section 18 of the Land Acquisition Act, 1894 by the landowners including the petitioners' case, were referred to the Reference Court, which on appreciation of the evidence, held that the landowners including the petitioners are entitled to the market value at the rate of Rs.109/- per square yard alongwith all the statutory benefits. Though the petitioners did not file any appeal, however, the State of Haryana filed various appeals, including in the case of the petitioners. The said appeal was allowed and the award passed by

the Reference Court on 05.09.1994 was set aside. Certain landowners filed the Letters Patent Appeal as well as the Special Leave Petition before the Supreme Court, however, the petitioners did not file any appeal. On 31.07.2001 the appeals filed by the various other landowners were allowed and the High Court was directed to re-decide the matter. The appeal filed by the State of Haryana against the petitioners was not taken up in the second round on 30.03.2009 as it already stood decided in the 1st round. The aforesaid judgment became final between the parties. The High Court dismissed the appeals filed by the State of Haryana as well as the landowners. An execution petition filed by the petitioners was adjourned sine die on 06.04.1996. The same was restored on 12.04.2022 on the application of the petitioners. The petitioners have been paid the equivalent market value i.e at the rate of Rs.109/- per square yard. However, the petitioners claim that they are entitled to interest for all this while.

2. Learned counsel representing the petitioners contends that the Supreme Court, while setting aside the judgment of the High Court, in the first round, had set aside the entire judgment including the judgment passed against the petitioners. He submits that this fact would be clear from the order passed in RA-27-CI-2010 decided on 16.08.2010.

3. This Court has considered the submission of the learned counsel representing the petitioner. It is important to note that the certain landowners subsequently filed the Special Leave Petitions before the Supreme Court after the High Court had decided the cases in the second round. The Hon'ble Supreme Court though held that the landowners are

entitled to the compensation at the rate of Rs.109/- per square yards, however, denied interest for all this while. The relevant observations made by the Supreme Court are extracted as under:-

“In the facts of these cases and sequence of events as noted above, we are of the view that in the interest of justice the appellants have also to be extended the benefit of computation of their compensation @ Rs.109/- per square yard as was directed by the Additional District Judge vide Award dated 05.09.1994 which has now been affirmed by the High Court vide order dated 30.03.2009. We, however, make it clear that in the facts of the present case, the appellants are not entitled for any interest on the above computation. We further direct that the compensation shall be calculated @ Rs.109/- per square yard and the appellants shall be paid the enhanced compensation after adjusting the compensation already paid to them within two months from the date of production of a copy of this order before the Land Acquisition Officer/Collector, Jind, Haryana. In the event, the compensation is not paid within two months, thereafter the appellants shall be entitled for interest @ 12% per annum.

The appeals are disposed of accordingly.”

4. Learned counsel further submits that in the civil appeal no. 764 of 2010 (**Om Parkash vs. State of Haryana**) the Supreme Court did not deprive the landowners from the amount of interest. He submits that the petitioners are also entitled to the same amount.

5. On a careful reading of the order dated 19.01.2018, passed in the Civil Appeal No.764/2010, it is evident that in that case the landowners were not held entitled to the interest for the period from 15.07.1997 till 15.11.2013. In a subsequent detailed judgment, passed on 06.07.2018, while disposing of the various appeals, the landowners were denied interest in the peculiar facts of the case. As already noticed, the

petitioners never filed any appeal. Hence, they cannot be put at a higher pedestal than the landowners, who had filed the appeals before the Supreme Court, which were disposed of on 18.07.2018.

6. Hence, no ground to interfere is made out.

7. Dismissed.

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

23.12.2022

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No