

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

CWP-16960-2020 (O&M)
Date of Decision:- 25.9.2023

Gurdial Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S. Kahlon, Advocate for the petitioners.

Mr. I.P.S. Kang, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioners, who are all sons of Munsha Singh, whose land had been acquired in respect of which award dated 6.5.2014 (Annexure P-2) had been announced for grant of compensation by the Land Acquisition Collector, has approached this Court seeking the following reliefs :-

- (i) to immediately provide a job to some member of the family of the petitioners;
- (ii) to grant all other statutory benefits, as provided under law; and
- (iii) to pay interest on account of delay of about 4 years in payment of compensation, which was paid in the year 2018 whereas the award had been announced on 6.5.2014.

2. Today, at the very outset, the learned counsel for the petitioners submits before this Court that he may be permitted to withdraw his prayer made in the writ petition qua claim No. 1 i.e. qua providing job to any member of the family of the petitioners. The learned counsel submitted that he also wishes to withdraw his prayer qua claim No. 2 i.e. all other statutory benefits under law, with permission to avail of other alternate efficacious remedies, as may be available to him for seeking such benefits.
3. In view of the aforesaid submissions, the petitioners are permitted to withdraw their aforesaid two prayers with liberty aforesaid, as prayed for, which could leave only one claim to be adjudicated upon by this Court i.e. the claim of the petitioners with respect to payment of interest on the delayed payment of compensation.
4. It is not disputed that in the present case, the award in respect of the acquired land of the petitioners was passed on 6.5.2014 (Annexure P-2). However, it is evident from the copies of the statement of accounts in respect of the bank accounts of the petitioners (Annexure P-12 and Annexure P-13) that it was only in the year 2018 that the compensation was credited into their accounts.
5. The State, in its reply, has taken a stand that the said delay in deposit of compensation is attributable to the petitioners themselves and that as a matter of fact the compensations stood deposited with respondent No. 6 – Collector, Land Acquisition, Ranjit Sagar Dam, Pathankot vide letter dated 10.9.2014 (Annexure R-2) and that since the parentage of the petitioners was incorrectly mentioned in the *Jamabandi* as ‘Munshi’ instead of ‘Munsha Singh’ and it was only on 28.12.2017 that the petitioners furnished the

correct *Jamabandi*, that the compensation was released after completion of all formalities on 15.1.2018.

6. This Court has considered the aforesaid submissions.
7. While it may be correct that the parentage of the petitioners may have been incorrectly recorded in the revenue record but it is the respondents who have domain over the revenue record and who could have initiated the necessary steps for carrying out corrections, if any mistake had been noticed in the revenue record.
8. Needless to mention that when any land is acquired, the entire revenue record is perused by the authorities concerned. A similar question came up for adjudication before this Court in CWP 2556-2018 Karnail Singh and others versus State of Punjab and others, decided on 24.5.2019 (Annexure P-13) pertaining to the same very acquisition. In the said case also, the respondent had taken a stand that the delay in payment of compensations had taken place as the parentage of the petitioners had not been correctly mentioned in the revenue record and as such, they were not entitled to benefit of interest. The Co-ordinate Bench in Karnail Singh's case (Supra) while considering the case law on the issues raised therein, which are based on identical facts, accepted the petition and directed as under :-

“Accordingly, the present writ petition is allowed. The respondents shall pay interest @ 9% per annum for the delayed period, for the first year and thereafter, @ 15% per annum, till the date of payment. Needful be done within a period of 2 months from the receipt of a certified copy of this order. In case the payment is not made, the interest element shall further carry 9% interest till the date of payment.”

9. The learned State counsel could not point out any distinction in the factual matrix in the present case and the aforesaid cited case.

10. Consequently, the instant petition being squarely covered by the aforesaid judgment dated 24.5.2019 i.e. Karnail Singh's case (Supra), is hereby accepted in the same terms.

25.9.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No