

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

**CWP No.19981 of 2020 (O&M)
Date of Decision: 20.03.2023**

Inderpal Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. R.S.Bajaj, Advocate for the petitioners.

Ms. Lavanya Paul, DAG, Punjab.

Mr. Sandeep Khunger, Advocate with
Mr. Saksham Khunger, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution, *inter alia*, for quashing of the impugned award/order dated 01.12.2012 (P-2) to the extent that adequate compensation is not granted by the Tribunal, Improvement Trust, Jalandhar (*for short 'Tribunal'*).

(2) On 13.03.2023, after hearing both sides, this Court passed the following order:-

“xxxx

Learned counsel for respondent No.2-Improvement Trust acknowledged that controversy involved in the present case is squarely covered by the decision rendered in Raksha versus Tribunal Improvement Trust, Jalandhar and others (CWP No. 11257 of 2013 decided on 31.10.2013) as well as subsequent

decision dated 09.04.2019 passed in CWP No. 26734 of 2018 titled as Jagtar Singh and others versus Tribunal, Improvement Trust, Jalandhar and others.

However, he seeks time to file specific affidavit as to in which category, the land of the petitioners would be covered under para No. 36 of Raksha's case (supra).

Posted on 20.03.2023.

Be shown in the urgent list."

(3) In pursuance of the aforesaid order, affidavit of Mr. Rajesh Chaudhary, Executive Officer, Improvement Trust, Jalandhar (respondent No.2) has been filed and the same is taken on record. Copy thereof supplied to the other side.

(4) Perusal of the aforesaid affidavit reveals that land of the petitioners, which was acquired by the Improvement Trust, falls in the Category (iii), Para No.36 of the judgment dated 31.10.2013.

(5) Learned Counsel for respondent No.2 has conceded that controversy is fully covered with the judgments dated 31.10.2013 and 09.04.2019. However, he submits that present writ petition is filed on 26.10.2020; whereas the award was passed by the Tribunal on 01.12.2012, thus, petitioners would not be entitled for the benefit of interest, except for six months.

(6) Learned Counsel for the petitioners is also not averse to the above submission of respondent No.2; rather accepted the same, unhesitatingly.

(7) In view of the consensus arrived at between the parties, present petition is allowed in terms of the judgments dated 31.10.2013 & 09.04.2019.

- (8) It is made clear that petitioners would be entitled for the interest only for a period of six months prior to the date of filing the present writ petition i.e. w.e.f. 26.04.2020, till the date of actual payment.
- (9) Needless to say that necessary exercise shall be carried out by the quarter concerned within three months from receipt of the certified copy of this order.
- (10) Pending application(s), if any, shall also stand disposed off.

March 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No