

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

(276)

**CWP No.6249 of 2018
Date of Decision: 23.08.2023**

Sohan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H. S. Baath, Advocate, for the petitioners.

Mr. Athar Ahmad, DAG, Punjab.

Mr. Joginder Sharma, Advocate, for respondent No.3.

HARKESH MANUJA, J.(ORAL)

1. By way of present writ petition, prayer has been made for issuance of directions to respondents for release of amount of compensation in favour of petitioners against acquisitions of their land measuring 17 Acres, 5 Kanals and 5 Marlas situated in village Sangrur for the purpose of development of Maanshahiya City (Nagar) Scheme, Improvement Trust, Sangrur.

2. As per facts narrated in the writ petition, in pursuance to the acquisition proceedings award under Section 11 of Land Acquisition Act, 1894 (hereinafter referred to as "the Act") was passed by the Land Acquisition Collector on 29.05.2008 and despite repeated representations submitted by the petitioners, the same was never disbursed in their favour thereby compelling them to approach this Court by way of filing the present writ petition.

3. In response, the respondents No.1, 2 and 3 filed their written statement dated 21.01.2019 to contend that petitioners were duly informed regarding the payment/release of compensation in their favour, however, they

did not approach the Land Acquisition Collector in order to collect the amount of compensation and thus, they were themselves to blame for the delay in its disbursement.

4. A perusal of the record shows that though the award under Section 11 of the 1894 Act was passed in the present case on 29.05.2008, however, the amount of compensation was released in favour of the petitioners in pursuance to the order passed by this Court on 21.01.2019, during the pendency of the present writ petition and thus the claim now only relates to the award of interest on the delayed payment/deposit of amount of compensation.

5. Learned counsel for the respondent in this regard has submitted that a notice dated 29.05.2008 under Section 12(2) of the Land Acquisition Act, 1894 was served upon the petitioners, informing them about passing of the award as well as the disbursement of amount of compensation, however, despite that the petitioners never choose to appear before the Land Acquisition Collector to accept the amount of award. Besides it, he also submitted that in pursuance to the award, amount of compensation already stood deposited with the Land Acquisition Collector on 08.05.2008 and thus, the respondents No.1 to 3 were not supposed to bear the burden of interest on the delayed disbursement of the amount of compensation.

6. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

7. In the present case, on account of acquisition of the land owned by the petitioners, award was passed on 29.05.2008 and thus, the same was

either required to be disbursed in favour of petitioners on the date of taking possession or the same was required to be deposited with the reference Court, mere deposit of the same with the Land Acquisition Collector at the instance respondents would not discharge them of their statutory obligation to pay interest on the delayed disbursement. In the above circumstances, the amount having been released in favour of petitioners on 21.01.2019, they are entitled for award of interest on the delayed disbursement of amount of compensation in terms of Section 34 of the Act.

8. Accordingly, in view of the discussion made hereinabove, present writ petition is allowed and petitioners are held entitled for interest on the delayed disbursement of amount of compensation w.e.f. 29.05.2008 till 21.01.2019 in terms of Section 34 of the Land Acquisition Act, 1894.

(HARKESH MANUJA)
JUDGE

23.08.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No