

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218) **CR-5918 of 2019 (O&M)**
Date of Decision: 31.07.2023

1.

The Haryana State Industrial and Infrastructure
Development Corporation LimitedPetitioner
Versus

Jaswant Singh Pannu and othersRespondents

2. **CR-6127 of 2019 (O&M)**

The Haryana State Industrial and Infrastructure
Development Corporation LimitedPetitioner

Versus

Charanjit Singh and othersRespondents

3. **CR-6239 of 2019 (O&M)**

The Haryana State Industrial and Infrastructure
Development Corporation LimitedPetitioner

Versus

Hargum Bani Pannu and othersRespondents

4. **CR-6238 of 2019 (O&M)**

The Haryana State Industrial and Infrastructure
Development Corporation LimitedPetitioner

Versus

Vijay Partap Pannu and othersRespondents

5. **CR-6143 of 2019 (O&M)**

The Haryana State Industrial and Infrastructure
Development Corporation LimitedPetitioner

Versus

Ravinder Pannu and othersRespondents

6.**CR-6141 of 2019 (O&M)**

The Haryana State Industrial and Infrastructure
Development Corporation Limited

.....Petitioner

Versus

Harjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pritam Singh Saini, Advocate, for the petitioner.

Mr. Anil Dutt, Advocate
for the applicants/respondents (in CR-6127 & 6141 of 2019).

Mr. Birender Singh Rana, Sr. Advocate, with
Mr. Nayandeep Rana, Advocate,
Mr. Maninder Jit Singh, Advocate,
for the respondents (in CR Nos.5918, 6123, 6143, 6238 of 2019).

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)

1. This order of mine shall dispose of above mentioned 6 revision petitions wherein controversy involved is identical. For reference, facts are taken from CR No.5918-2019 (O&M).

2. By way of present revision petitions, challenge has been made to order dated 18.12.2018 (Annexure P-1) passed by the Executing Court-cum-Additional District Judge, Sonapat, whereby, the respondents/land-owners have been held entitled to award of interest on the enhanced compensation w.e.f. 16.12.1998 to 17.06.2003.

3. Briefly stating, in the facts of the present case, the land owned by the respondents was acquired vide notifications dated 05.08.1997 and 29.07.1998 under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") respectively. Award under Section 11 was passed on 15.12.1998. Before passing of the award, the respondents/land-

owners challenged the acquisition proceedings by filing CWP No.1493 of

1998 wherein, status quo/ stay dispossession was passed on 16.09.1998. The writ petition was finally disposed of on 25.09.2000.

4. In a separate but related development, proceedings regarding enhancement of compensation were initiated at the instance of respondents/land-owners. Based on its determination, execution petition was filed wherein the Court vide its order dated 18.12.2018 directed for award of interest from 16.12.1998 till 17.06.2003.

5. Impugning the aforesaid order, learned counsel for the petitioner submits that respondents/land-owners were granted status quo/stay dispossession in their favour by this Court in the writ petition, challenging the acquisition proceedings vide order dated 16.12.1998 and as such, the possession of the acquired land could not be taken. He further submits that possession of the land in question was finally taken on 17.06.2003 and thus, in view of Section 34 of the Act, the land-owners were not entitled for interest w.e.f. 16.12.1998 to 16.06.2003.

4. On the other hand, learned senior counsel representing the respondents/land-owners submits that despite there being status quo order having been granted in favour of respondents/land-owners by this Court on 16.12.1998, they were dispossessed immediately on passing of the award. He further submits that even a contempt petition was filed at the instance of respondents/land-owners in this regard.

5. Undisputedly, as per Section 34 of the Act a land-owner becomes entitled for grant of interest on the amount of award assessed by the Collector; from the date when such compensation is not paid or deposited on or before taking possession of the land.

6. In the present case, admittedly the factum of taking possession of the land has been seriously disputed by the parties to the present revision

petitions.

7. Considering the aforesaid facts and circumstances, the present revisions are disposed of and the impugned order dated 18.12.2018 passed by the Executing Court are hereby set aside with a direction that the Executing Court shall grant opportunity to both the parties so as to prove their stand as regards taking over possession of the land in pursuance to the acquisition thereof so that the entitlement of the respondents/land-owners about award of interest as per Section 34 of the Act can be determined effectively. The aforesaid exercise shall be concluded by the Executing Court within a period of one year from today.

8. The present revisions petitions are disposed of accordingly.

(HARKESH MANUJA)
JUDGE

31.07.2023
anil

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