

IN THE HIGH COURT OF PUNJAB AND HARYANA**AT CHANDIGARH****CR-718-2023****Date of Decision: August 28, 2023****RAJIV AND ORS**

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Advocate for the petitioners.
Mr. Navneet Singh, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 31.03.2022 passed by Addl. District judge, Bathinda-cum-Executing Court.

2. In the present case, land owned by petitioners was acquired vide notifications dated 21.09.2000 and 14.09.2001 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 1894 Act) followed by an award dated 12.09.2003. Being dissatisfied, the petitioners invoked reference under Section 18 of 1894 Act which came to be decided vide award dated 12.02.2003. Still aggrieved, petitioners filed RFA which came to be decided on 01.04.2019. The operative part thereof is reproduced hereunder:-

“Resultantly, keeping in view the above judgments, this Court is of the opinion that the landowners will be entitled for the payment of interest @ 6% per annum from 15.03.1996 till the date of Section 4 notification, i.e., 21.09.2000, to offset the period of illegal possession by the State, as the said fact has not been denied by the respondents. Even it has come on record that foundation-stone was laid for the construction of the road, on account of which, possession had been taken.”

3. Based thereupon, the petitioners filed execution application claiming additional compensation on the amount of interest awarded in their favour with effect from 15.03.1996 to 21.09.2000. The petitioners also submitted that once the amount of damages awarded @ 6% from 15.03.1996 to 21.09.2000 was payable in their favour on the date of notification issued under Section 4 of the 1894 Act, they were entitled for interest thereupon with effect from the date of notification issued under Section 4 of 1894 Act till its disbursement. Instead of issuance of directions in favour of the landowners, the Executing Court merely awarded the damages. Being aggrieved thereof, the present revision petition has been filed.

4. At the outset, learned counsel for petitioners very clearly submits that petitioners shall not press for their claim of additional amount of compensation on the damages awarded @6% from 15.03.1996 to 21.09.2000.

4. I have heard learned counsel for the parties and gone through the paper-book.

5. As regards the claim of interest on the delayed payment of damages which no doubt became payable on the date of notification under Section 4 of 1894 Act that is on 21.09.2000, the petitioners have substance in their submission.

6. Admittedly, the possession of land under acquisition was taken away from the petitioners on 15.03.1996 and that is why they were held entitled for payment of interest @6% from 15.03.1996 to

21.09.2000 i.e. the date of notification under Section 4 of 1894 Act and since the said amount of damages became payable in favour of petitioners on 21.09.2000, though being released at a later point in time, the petitioners are no doubt entitled for payment of interest thereupon in terms of Section 34 of 1894 Act. Nonetheless, a perusal of Annexure P-6 i.e. the calculation sheet submitted under the signatures of Executive Engineer, Rural Works Division (B&R), Bathinda submitted in the execution application at the instance of respondents also shows that amount of interest prayed for by the petitioners have even been calculated on the amount of damages.

7. In view of the discussions made hereinabove, the petitioners shall be entitled for award of interest on the amount of damages assessed by this Court vide judgment dated 01.04.2019 passed in favour of the petitioners and the execution shall be carried out in the aforesaid terms.

28.08.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>