

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

(300)**CWP-40371-2018****Date of Decision: 02.08.2023**

Babu Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S. K. Daaria, Advocate, for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate, with
Ms. Vibha Nagar, Advocate, for respondent No.3.

HARKESH MANUJA, J.(ORAL)

1. By way of present writ petition, challenge has been made to an order dated 04.10.2017 passed by respondent No.2 whereby, the petitioner has been directed to refund the amount of compensation received by him along with interest @ 15% per annum.

2. Briefly stating, land owned by the petitioner, situated in Village Farruk Nagar, Tehsil and District Gurgram, was acquired vide notifications dated 09.04.2004 and 31.05.2005 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") respectively. Award under Section 11 of the Act was passed on 30.09.2006. Mutation in pursuance thereof was entered in the name of respondent No.3 on 30.11.2006.

3. The petitioner being aggrieved of acquisition proceedings filed CWP No.984 of 2007 which was allowed by this Court vide judgment dated 06.02.2014 followed by which the petitioner was called upon to refund the amount of compensation received by him in pursuance to the award dated

30.09.2006. Notices in this regard were served upon the petitioner on 16.09.2016 and 04.11.2016.

4. Aggrieved thereof, the petitioner approached this Court by filing CWP No.25465 of 2016 which was decided on 09.12.2016, upholding the demand raised by respondents as regards refund of the compensation amount, however, leaving the petitioner to file representation before respondent No.2 against the liability of payment of interest thereupon.

5. In pursuance thereof a detailed representation dated 23.01.2017 was submitted by the petitioner before respondent No.2 which came to be rejected vide order dated 04.10.2017 and the same has been impugned by way of present writ petition.

6. Learned counsel for the petitioner submits that the petitioner is an agriculturist and thus, the return of compensation amount cannot be made payable along with interest at an exorbitant rate of 15% per annum.

7. On the other hand, learned counsel for respondent No.3 opposes the prayer made herein while submitting that the demand of interest was based upon the principles laid down under Section 34 of the Act and thus, the order passed by respondent No.2 warrants no interference.

8. 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 petitioner.

9. Although, the liability to return the amount of compensation received by the petitioner against acquisition of his land already stands upheld by this Court vide order dated 09.12.2016 in CWP No.25465 of 2016, the petitioner was however, granted liberty to submit a detailed representation as regards the payment of interest thereupon which now stands rejected by

respondent No.2 for no justified reasons by passing a non-speaking order.

10. Undisputedly, the petitioner happens to be an agriculturist who never volunteered for acquisition of his land which was compulsorily acquired by respondents in pursuance to their exercise of their statutory powers. The amount of compensation was received by the petitioner in pursuance to said compulsive acquisition and thus, he cannot be made to pay interest on the return thereof by treating it to be at par with any commercial transaction. Equally important, the present situation has occurred on account of an order passed by the Court and not for any fault of the petitioner. Moreover, respondent No.2 while disposing of the representation submitted by the petitioner has nowhere recorded any justifiable reason to uphold the rate of interest as demanded vide notices dated 16.09.2016 and 04.11.2016.

11. In view of the discussion made hereinabove, the order dated 04.10.2017 passed by respondent No.2 is modified to the extent that the petitioner shall return the amount of compensation along with simple interest @ 6% per annum from the date of receipt of the same till its deposit with respondent No.3, excluding the period w.e.f. 06.02.2014 i.e. the date of disposal of CWP No.984 of 2007 till 29.11.2016 when the mutation entry was reversed in the name of petitioner from respondent No.3.

12. Disposed of in the aforesaid terms.

(HARKESH MANUJA)
JUDGE

02.08.2023
anil

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