



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 21754 of 2023 (O&M)
Date of Decision: 17.11.2025

Lakhmi Chand

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Omkar Chauhan, Advocate
for the petitioner.

Ms. Komal Sharma, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

CM-4742-CWP-2025

Application for placing on record copies of sale deeds as
Annexures P-12 to P-14, moved on behalf of the applicant-petitioner, is
allowed subject to all just exceptions.

Registry to do the needful.

MAIN CASE

By way of present petition, prayer has been made for
issuance of directions to the respondents to acquire and award the
compensation of the land measuring 10 kanal 03 marla (as depicted in the
Award dated 28.10.2025 produced today as Mark-‘X’) situated within the
revenue estate of Village Masana Rangran, Hadbast No. 183, Tehsil
Radaur, District Yamuna Nagar, which admittedly stood utilized at the
hands of respondents-PWD (B&R) Department, Haryana for construction
of road in the year 1974.

[2] During pendency of the writ petition, the respondents issued notification dated 10.06.2025 under Section 11 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (**for short “2013 Act”**) with respect to the aforementioned 10 kanal 03 marla of land; followed by an Award dated 28.10.2025 passed by the DRO-cum-Land Acquisition Collector, PWD (B&R), Ambala (**for short “LAC”**), whereby compensation has been assessed in favour of the petitioner-landowner.

A copy of the aforesaid award dated 28.10.2025 produced by the learned counsel for respondents-State of Haryana, is taken on record as **Mark-‘X’**. Copy thereof has also been supplied to the learned counsel for petitioner. Registry to tag / paginate the same at appropriate place in the paper-book.

[3] A perusal of the aforesaid award shows that admittedly, the possession of land was taken over by the PWD (B&R) Department in January 1974, however, while calculating the amount of compensation, the petitioner-landowner was not granted the benefit of interest from January 1974 till the filing of the suit for possession at the instance of petitioner i.e. upto 14.05.2013. However, once the possession of the land in question was admittedly taken over by the respondents in the year 1974, the petitioner was entitled for grant of statutory interest in terms of Section 80 of the 2013 Act, from the date of taking over the possession till the date of actual payment. It is thus submitted that the petitioner ought to be awarded the benefit of interest in terms of Section 80 of the 2013 Act.

[4] On the other hand, learned counsel for the respondents-State of Haryana submits that there was an inordinate delay on the part of the petitioner-landowner in approaching the Court and thus, he could not be granted any benefit for the period during which he failed to assert his rights and as such, no interference was called for with the Award dated 28.10.2025 passed by the LAC. It has also been submitted that the petitioner in any case was at liberty to assail the validity of the award passed by the LAC by adopting statutory remedy in terms of Section 64 of the 2013 Act and thus, not entitled for any further relief in the present petition.

[5] After hearing learned counsel for the parties and having gone through the paper-book/record, I find substance in the submission(s) made on behalf of the petitioner-landowner.

[6] As a matter of fact, possession of the subject land was taken over by the respondents from the petitioner way-back in the year 1974 for its initialization as road and that too without acquisition or payment of compensation to the landowner-petitioner. Later, suit for possession came to be filed at the instance of petitioner against the respondents *qua* the said land on 15.05.2013 which was decreed on 06.05.2016. Paragraph-30 of the said decree dated 06.05.2016 being relevant is extracted hereunder:-

“ 30. In view of the findings on aforesaid issues, the suit of the plaintiff is decree with costs to the effect that the plaintiffs are entitled to decree for possession by way of removal of construction of road as detailed in the head note of the plaint and also that mesne profit at the rate of Rs. 100/- per day from the date of filing of this suit till actual physical possession of the suit property is handed over after removal of the construction thereon. However, the defendant shall be at liberty to consider

the case to the plaintiff for grant of compensation as per law within period of 3 months from the date of this judgment. Upon failure of the defendant to grant compensation as per law within the said period of 3 months, decree shall become executable. Decree sheet be prepared accordingly. File be consigned, to the record room after due compliance.”

However, no further challenge was made by the respondents to the said judgment and decree dated 06.05.2016 and thus the same attained finality between the parties.

[7] Based on the aforementioned judgment and decree dated 06.05.2016, the petitioner filed execution. On 12.10.2021, the learned Executing Court passed an order with the following relevant observations made in paragraph-14:-

“14. Representing JD’s Shri Ranbir Singh Nehra, SDE, PWD (B&R), Yamuna Nagar has already stated that the department is ready to pay the compensation as per the demarcation report dated 27.06.2019. As the Judgment debtors are willing and ready to pay the compensation for the land, it must be obviously according to provisions of law. Presently Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 is in force, therefore, its provisions will mutatis mutandis apply in respect of the enquiry by jds for determination of compensation to be paid to DH’s, as there is no other procedure of law or methodology is shown to have been in force or operative or applicable in determination of compensation.”

[8] Once the factual aspect of taking over the possession of the subject land from the petitioner in the year January 1974 stands admitted by the respondents in the Award dated 28.10.2025 passed by the LAC, proceeded by a finding of fact already recorded by the Civil Court in its

judgment and decree dated 06.05.2016 passed in favour of petitioner-landowner, he cannot be deprived of his statutory benefits in terms of Section 80 of the 2013 Act, which reads as under:-

“ Section 80. Payment of Interest – When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent. per annum from the time of so taking possession until it shall have been so paid or deposited: Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.”

[9] A perusal of the Award dated 28.10.2025 passed by the LAC clearly shows that the interest component on the market value from the date of taking over the possession till the date of actual payment has not been calculated in favour of the petitioner-landowner. Accordingly, the petitioner-landowner is held entitled to the said benefit.

[10] Accordingly, in addition to the amount assessed in terms of Award dated 28.10.2025 in favour of the petitioner-landowner by the LAC, the petitioner shall also be entitled for interest in terms of Section 80 of the 2013 Act in the aforesaid manner.

[11] In view of the discussion made hereinabove, the present petition is **disposed off** with a direction to the respondent-PWD (B&R) Department, Haryana, to re-assess the entire actual payment to be made to the petitioner at the earliest.

[12] Needless to say, the petitioner shall always be at liberty to avail his statutory remedy in terms of the 2013 Act with respect to the determination made by the LAC vide Award dated 28.10.2025.

[13] Pending miscellaneous application(s), if any, shall also stand disposed off.

November 17, 2025

(HARKESH MANUJA)
JUDGE

'dk kamra'

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