



CWP No.24818 of 2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

143

CWP No.24818 of 2023 (O&M)
Date of Decision: 26.08.2025

PHOOL KUWAR AND ORSPetitioners
Vs
STATE OF HARYANA AND ANR.Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. N.K. Malhotra, Advocate for the petitioners.

Ms. Komal Sharma, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition, challenge has been laid to the orders dated 02.06.2023 (Annexure P-3 to P-5) passed by the Land Acquisition Collector, Urban Estate Department, Rohtak whereby the petitioners were called upon to refund the excess amount paid to them towards interest while making disbursement of amount of compensation against acquisition of their land.

[2]. Learned counsel for the petitioners submits that no notice was ever served upon the petitioners before passing of the orders dated 02.06.2023. Learned counsel further submits that even no reasoning has been given in the orders for assessing recovery of Rs.8,05,893/- against the petitioners and, thus the said orders were liable to be set aside.

[3]. On the other hand, learned State counsel submits that the notices were issued to the petitioners before effecting recovery of the excess amount, thus the writ petition was liable to be dismissed.

[4]. I have heard learned counsel for the parties and perused the paper book.



CWP No.24818 of 2023 (O&M)

[5]. Main grievance of the petitioners is qua the recovery notice dated 02.06.2023 (Annexures P-3 to P-5). Relevant contents from one of such notices is extracted hereunder:-

“Regarding the above subject, your land, Sector 27, Kheri Saadh vide award no.2 dated 6.4.2025 has been acquired and regarding this acquired land compensation of Rs.41,32,740/- vide check no.292885 dated 26.08.2011 has been paid to you by this department. Director, Urban estate Department, Haryana, Panchkula vide sr. no.5-10/7632 dt. 15.09.2010, interest was to be paid upto 5.07.2010. So, excess amount of Rs.8,05,893/- has been paid to you. Excess amount with interest be deposited as early as possible in this office.”

[6]. Perusal of the aforesaid shows that even the basic and fundamental details with respect to the taking over of the possession of the land in question has not been mentioned in the impugned orders/notices (Annexures P-3 to P-5). Be that as it may, even the petitioners have not been afforded any opportunity of hearing before passing of the order of recovery on 02.06.2023 by the Land Acquisition Collector, Urban Estate Department, Rohtak.

[7]. In view of above, the present petition is allowed. Impugned orders dated 02.06.2023 (Annexures P-3 to P-5) passed by the Land Acquisition Collector are hereby set aside being passed in violation of principles of natural justice. However, the respondent/Land Acquisition Collector would be at liberty to proceed against the petitioners afresh by affording them an opportunity of hearing and thereafter passing a speaking order.

[8]. Pending application(s), if any shall also stand disposed of.

August 26, 2025

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(HARKESH MANUJA)
JUDGE

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