



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

**Civil Writ Petition No. 29460 of 2017 (O&M)
Date of Decision: 16.04.2026**

Prem Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sakal Sikri, Advocate for
Mr. Lalit Singla, Advocate
for the petitioners.

Mr. Abhinav Kalia, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioners-landowners, by way of present writ petition, seek quashing of an order dated 08.11.2017 (Annexure P-7) passed by respondent No. 5-Land Acquisition Collector, Urban Estate, Rohtak, Haryana (**for brevity “LAC”**), whereby their claim with respect to release of annuity benefits in terms of Policy dated 09.11.2010 (Annexure P-1) issued by the Revenue and Disaster Management Department, Haryana Government, was declined on the ground that the application alongwith requisite documents was submitted by them after the expiry of period of six months from the award.

[2] In the present case, some land owned by the petitioners forming part of the revenue estate of Village Rai, District Sonapat, was acquired vide notifications dated 14.07.2010 & 07.07.2011 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (**for short “1894 Act”**) respectively for the

public purpose, namely, *for construction of road between Sectors 30-37 & 31-37, Sonapat*". An award under Section 11 of the 1894 Act was passed by the LAC on 15.03.2013. Thereafter on 11.09.2017 (Annexure P-6), the petitioners-landowners moved an application for grant of annuity scheme benefits at the rate of Rs. 21,000/- per acre per annum for a period of thirty-three (33) years in accordance with the aforesaid Notification / Policy dated 09.11.2010. The relevant portion/Clause of the annuity scheme is extracted hereunder:-

"D. Rehabilitation and Resettlement Policy:

4. Annuity Scheme - revised rates and features:

The payment of Annuity to the persons, who are the landowners at the time of issue of Section 4 Notification (including their nominees over the prescribed period), whose land is acquired by the Government under a statute, is in the nature of a Social Security and Benefit Scheme as a part of the overall R & R Policy of the Government. It has been Introduced primarily with a view to providing additional basic sustenance to the erstwhile landowners for a period of 33 years. Broad features of the Annuity scheme are as under:

- i) The eligible landowners will be paid Annuity @ Rs. 21,000/- per acre per annum for a period of 33 years over and above the usual land compensation;*
- ii) The Annuity amount of Rs. 21,000/- will be increased by a fixed sum of Rs. 750/-every year;*
- iii) In respect of land acquired in terms of land acquisition policy for setting up of Special Economic Zone/ Technology Cities/ Technology Parks, in addition to the rehabilitation and resettlement package notified by Industries and Commerce Department vide No. 49/48/2006-41B1, dated 4th May, 2006, a sum of Rs. 42,000/-per acre per annum will be paid for a period of 33 years by private developers and the "Annuity*

amount will be increased at the rate of Rs.1,500/- every year;

- iv) The scheme of Annuity payment will be applicable to all cases of land acquisition by the Government irrespective of the same being acquired for the State Government and its agencies or the Government of India/ its agencies, including the NHAI, the Railways, and the Defence purposes;*
- v) The Government Departments acquiring land under a statute shall recover the amount required for discharging the Annuity obligations along with the compensation amount from the concerned agencies (for whom land is acquired) and shall ensure that the 'Instrument of Annuity creating a right in favour of the erstwhile landowner is issued at the earliest;*
- vi) The landowner would be entitled to appoint his nominee and change the same at any time before his demise for receipt of benefits under this Scheme who would step in his shoes after his death and so on so forth till the completion of 33 years period. In cases where a landowner dies intestate without leaving a nominee behind, the Annuity amount for the remainder of the period would be payable to the legal heirs of the deceased erstwhile landowner;*
- vii) In cases where the land acquired in respect of a landowner/co-sharer works out to less than one acre, such landowner will have the option to avail the commuted value of the Annuity amount upfront in one go which is fixed 30% of the gross amount of Annuity payable during the 33 years. He would be required to submit his application as per Application Form-3.*
- viii) The Annuity in respect of land acquired during the preceding calendar year would become due for payment during the month of January of the following year. The landowner would be required to submit his Annuity claim in the prescribed form, (Application*

Form-2) along with the supporting documents, within a period of six months of the announcement of the Award. The acquiring departments shall be responsible for processing and compilation of the database of all such valid claimants within a period of further six months. The Annuity amount would be paid through Bank transfers.”

[3] The claim made by the petitioners was declined by the LAC while passing a speaking order on 08.11.2017 (Annexure P-7) with the following observations:-

“ It is relevant to mention here that the term and conditions of the policy dated 09.11.2010 were announced at the time of the award and the documents/prescribe format i.e. application form no. 2, for annuity amount were also demanded. This shows that petitioners were aware about the term and condition of the policies and other benefits given by the government in this notification but the petitioners have not submitted their documents in the office of undersigned. Further, it is submitted that as per the order of Hon’ble High Court an opportunity of hearing was given to the petitioners on 03.11.2017 by the undersigned by intimating them through telephonic message. On the fix date petitioners appeared before the Land Acquisition Collector Rohtak but the petitioners could not submit/provide any document/receipt regarding submission of their annuity claim.

In view of above said facts, circumstances and as per the term and conditions of the policy dated 09.11.2010, the representation dated 11.09.2017 of the petitioners is hereby declined. Copy of the above said orders was sent to the petitioners immediately.”

[4] The similar issue with respect to the application by landowners for award of annuity benefits to be made within six months from the date of award of the LAC in terms of Notification/Policy dated 09.11.2010 issued by the Govt. of Haryana already stands adjudicated upon by this Court vide

decision dated 20.12.2023 passed in **CWP No. 16737 of 2023**, titled “**Om Parkash and others Versus The State of Haryana and others**”, while recording that the period of six months specified under the aforesaid notification needs to be treated as directory in nature. Relevant paras-13 & 19 of the aforesaid decision dated 20.12.2023 are re-produced hereunder:-

[13] An examination of sub-clauses (i) to (iii) of Annuity Scheme, as specified under Clause-4, reveals that there is no exclusion clause in this policy and all the landowners, whose land has been acquired by the State are eligible for the benefits under this policy. In clause (vii), it has been stipulated that landowner would be required to submit the Annuity claim in the prescribed form (application form-2), alongwith the supporting documents, within a period of six months of the Award, though no consequences have been provided, in case a landowner fails to submit his application within 6 months and thus, any such condition, at best, has to be considered and treated as directory in nature.

[19] Thus, in the absence of any consequences being provided, if the application with regard to grant of annuity benefits is filed beyond a period of six (06) months of the award; and specifically taking into consideration the fact that it is a beneficial policy implemented by the Government on account of being a welfare State, and the condition being merely related to a procedure, this condition cannot be considered as a mandatory condition. At best, if landowner applies for the benefits under this Scheme after a delay despite of being specifically informed in this regard, State could withhold the amount of annuity schemes pertaining to specific years only and not for the entire duration of 33 years.”

[5] Furthermore, even the Hon’ble Division Bench of this Court vide decision dated 01.12.2016 passed in **CWP No. 3123 of 2016**, titled

“Jagdish Rai and others Versus State of Haryana and others”, directed the respondents to grant annuity benefits in favour of the landowners despite their claim being rejected by the authorities on the ground that the applications were submitted beyond six months. The aforesaid decision dated 01.12.2016 being relevant is extracted hereunder:-

“ Petitioners are residents of villages Kanheli & Mania, Tehsil & District Rohtak. Their land was acquired vide Award dated 04.01.2011 for development of Sector 25 at Rohtak. As per R&R Policy of the State Government, they are entitled to be paid 'Annuity'. The instant writ petition has been filed alleging that for two years they were paid the 'Annuity amount' but thereafter it was stopped without assigning any reason. Land Acquisition Collector has filed the reply-affidavit taking a plea that payment of 'Annuity' was stopped as the petitioners did not allegedly submit the application form within six months.

We have heard learned counsel for the parties. The plea taken by the Land Acquisition Collector appears to be a lame excuse for his failure to release the 'Annuity' to which the petitioners are admittedly entitled to in lieu of acquired land. The application form, if any, ought to have been obtained by the Land Acquisition Collector in the very beginning.

Once the Authority started paying 'Annuity', there could possibly be no occasion for the petitioners to submit further applications. We, thus, dispose of this writ petition with a direction that the arrears of 'Annuity' be released to the petitioners alongwith interest @ 7% per annum within three months from the date of receipt of certified copy of this order. Hitherto also the 'Annuity' shall be paid to the petitioners uninterruptedly and in the event of any delay, they shall be entitled to interest @7% per annum which shall be personally recoverable from the Officers/officials found responsible for such delay.

*(SURYA KANT)
JUDGE*

December 01, 2016

*(SUDIP AHLUWALIA)
JUDGE”*

[6] In view of the aforesaid position of law, the order dated 08.11.2017 passed by the LAC is hereby set aside and the petitioners-landowners are held entitled for award of annuity benefits in terms of Notification/Policy dated 09.11.2010 (Annexure P-2) issued by the Revenue and Disaster Management Department, Haryana Government.

[7] Considering the fact that the acquisition in the present case commenced in the year 2010 and the petitioners-landowners are awaiting the release of benefit of annuity scheme for the past about sixteen years, respondent No. 5-LAC is hereby directed to release the annuity scheme benefits to them alongwith interest at the rate of nine per cent (9%) per annum within three months from the date of receipt of certified copy of this order. In case the needful is not done, respondent No. 5 shall be liable to pay costs of Rs. 50,000/- to each of the petitioners on monthly basis, which shall be borne by him/her from own pocket and shall not be treated as a burden on the State Exchequer, besides the petitioners shall be at liberty to seek revival of the present petition.

[8] Consequently, the present petition is **disposed of**.

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

April 16, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No