

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A.No.4 In Petition(s) for Special Leave to Appeal (Civil)  
No(s).28503/2008

(From the judgement and order dated 20/05/2008 in CWP No.14491/2007 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

UNION OF INDIA & ANR. Petitioner(s)

VERSUS

TARLOK SINGH & ORS. Respondent(s)

(With appln(s) for directions and with prayer for interim relief and office  
report)

Date: 08/04/2013 This I.A.was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr.K.Radhakrishna, Sr.Adv.  
Ms.Rekha Pandey, Adv.  
Mr.S.Krishna Raj, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Delay condoned.

Although, the matter has been listed for consideration of the  
office report in I.A.No.4 of 2009, having considered the case on merits,  
we deem it proper to dispose of the main petition.

The petitioners are aggrieved by the order of the Division  
Bench of the High Court which, after taking cognizance of the fact that the  
petitioners had unauthorisedly taken possession of the land belonging to  
the respondents and raised construction, directed payment of compensation  
at the rate of Rs.12,000/- per annum with interest at the rate of 9% per  
annum. The relevant portion of the order passed by the High Court is  
extracted below:

"Having heard the learned counsel few facts which become  
clear are that the petitioner along with respondent nos.5 and 6  
are the owners of the land and that the land is in forcible  
possession of respondent no.2 since 2.11.1989. The owners of  
the land including the petitioner as well as respondent nos.5  
and 6 have moved from pillar to post yet neither their land has  
been acquired nor they have been given back the possession. Mr.  
Surveer Sehgal, learned State counsel has expressed the  
inability of the State of Punjab to acquire the land while  
appearing for respondent no.3. He has stated that the land  
could be acquired by respondent no.2 itself under the provision  
of Requisitioning an Acquisition of immovable Property Act, 1952  
(for brevity, the 1952 Act'). There is no commitment made by  
respondent no.2 on behalf of the Union of India undertaking that  
the land would be acquired under the 1952 Act and compensation  
would be paid to the owners within specified time. We are  
amazed that the rights of citizens have been suppressed in such  
an arbitrary manner. In the present case the State is acting  
through respondent nos.1 and 2 in an autocratic manner.  
Therefore, the writ petition deserves to be allowed."

The operative portion of the impugned order is also reproduced below:

"For the reasons afore-mentioned this petition succeeds and the same is allowed. Respondent nos.1 and 2 are directed to deliver back possession of the land in question to their owners namely petitioner as well as respondent nos.5 and 6. The petitioner, respondent nos.5 and 6 shall be entitled to compensation from respondent nos.1 and 2 for use of the land from 2.11.1989 till the date of delivery of possession at the rate of Rs.12,000/- per annum along with interest @ 9% per annum. The needful shall be done within a period of one month from the date of receipt of copy of this order. The petitioner alone shall be entitled to costs which is quantified at Rs.25,000/-, which shall be borne by respondent nos.1 and 2."

In our opinion, the detailed reasons recorded by the High Court for ordaining payment of compensation to the respondents along with interest are legally correct and the order under challenge does not suffer from any legal infirmity whatsoever which may warrant interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

If the petitioners have so far not paid the amount to respondent No.1 in terms of the direction given by the High Court then the needful must be done within a period of eight weeks from today.

The Registry is directed to send copies of this order to the legal representatives of respondent No.1 at the addresses mentioned in the memo of special leave petition.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master