

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5084/2009

(Arising out of impugned final judgment and order dated 23/05/2008 in CWP No. 708/2006 passed by the High Court Of Himachal Pradesh At Shimla)

ROOP RAM & ORS.

Petitioner(s)

VERSUS

STATE OF H.P. & ORS.

Respondent(s)

(Interim relief and office report)

Date : 24/03/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Yash Pal Dhingra, Adv.

For Respondent(s) Mr. Suryanarayana Singh, AAG
Ms. Pragati Neekhra, Adv.

Mr. Naresh K. Sharma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

According to learned counsel for the petitioners, a Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') acquiring land of the petitioners was issued on 1.11.1997. It is submitted that much prior to the date of Notification under Section 4 of the Act, possession of the land had already been taken by the State. A Notification under Section 6 of the Act was issued on 16.01.1999 and award was passed on 20.07.2005.

Since the petitioners were not being paid compensation for the acquisition of their land, they were compelled to file a Writ Petition which came to be decided by the impugned judgment and order dated 23.05.2008. It is submitted that the High Court directed payment of compensation to the petitioners and that compensation was deposited. However, it is submitted that interest was paid at 9% per annum from the date of the award i.e. 20.07.2005. The claim of the petitioners is that the interest should be paid from the date of Notification under Section 4 of the Act i.e. 1.11.1997. It is submitted that this is more particularly so because possession of the land was taken even prior to the issuance of the Notification under Section 4 of the Act.

Learned counsel for the State says that he would like to verify the date on which possession was taken of the land and if the allegation of the petitioners is correct whether interest on such payment can be made to the petitioners with effect from 1.11.1997 in the form of compensation for use of the property of the petitioners.

List after two weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER