



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 21st July, 2026.

Pronounced on: 31st August, 2026.

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+ W.P.(C) 5764/2014 & CM APPL. 14209/2014

HARBIR SINGH SAWHNEY

.....Petitioner

Through: Mr. Rajat Aneja, Senior Advocate
with Ms. Chandrika Gupta and Ms.
Saumya Chopra, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha & Mr. M. S.
Akhtar, Advocates for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

The controversy

1. This litigation arises from a statutory auction of land conducted by the Ministry of Rehabilitation in December 1960. Sohan Singh, the successful bidder, had the sale consideration adjusted against the compensation due to him as a displaced person and was thereafter issued a Sale Certificate in 1963. By then, however, the land had already been restored to the recorded owners by an order dated 30th December, 1961. Years later, when the land was acquired for the Noida Toll Bridge, the acquisition compensation was paid to those restored owners. Sohan Singh, and later his successor, were thus left with neither the land for which consideration had been adjusted nor the monetary benefit which would ordinarily have followed from its



acquisition. The dispute has remained in litigation for decades, passing through successive proceedings before this Court and the statutory authorities without any final resolution. The present petition, instituted by Sohan Singh's son and now pursued through his legal representative, seeks restitution for that loss, principally by allotment of alternative land or, in the alternative, monetary relief.

Facts leading to the petition

2. Following the Partition, Sohan Singh was recognised as a displaced person having a verified claim under the rehabilitation legislation. On 17th December, 1960, he participated in an auction conducted by the Ministry of Rehabilitation under Section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954,¹ in respect of land forming part of the compensation pool as evacuee property. His bid for three parcels of agricultural land situated in Village Okhla was accepted. One of them was Khasra No. 387/311, measuring 4 bighas and 14 biswas.

3. The total price of ₹1,375 was adjusted against compensation due on Sohan Singh's verified claim. The Sale Certificate issued in March 1963 recorded the auction, payment of the consideration by adjustment, and declared him to be the purchaser with effect from 9th June, 1962. Its schedule included Khasra Nos. 398/311/2, 387/311 and 469/393/311.

4. Before the auction, however, the declaration of the land as evacuee property was already under challenge. Abdul Rehman and the other recorded owners had preferred appeals against that declaration. By order dated 9th June, 1960, the appeals were remanded to the Authorised Deputy Custodian with directions to conduct further enquiries, record the evidence produced



by the appellants, and decide the matter afresh.

5. By an order dated 30th December, 1961, the Authorised Deputy Custodian considered oral depositions, the Jamabandi for 1943-44 and 1947-48, Khasra Girdawari entries from 1944 onwards, municipal tax documents and police reports obtained from Delhi, Bulandshahr and Meerut. He found that neither the appellants nor any member of their families had migrated to Pakistan or intended to do so. The revenue record continued to show them as owners and in possession through their cultivators. He accordingly held that they were the owners of the properties, including Khasra No. 387/311, and directed their release.

6. The auction in favour of Sohan Singh had thus taken place while the restoration proceedings were pending. More importantly, by the time the sale in his favour became effective on 9th June, 1962, the property had already been released by the competent authority on 30th December, 1961. The Department nevertheless proceeded to issue the Sale Certificate and thereafter caused Sohan Singh's name to be entered in the revenue record through Mutation No. 626.

7. Sohan Singh died on 15th January, 1991. Thereafter, the name of his son, Harbir Singh Sawhney, the original Petitioner, was entered in the revenue records in his place *vide* Mutation No. 1337.

8. In 1998, Khasra No. 387/311 was acquired for construction of the Noida Toll Bridge. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 20th April, 1998, possession was taken by invoking the urgency provisions, and Award No. 6/1999-2000 was made. Since the Petitioner's name appeared in the acquisition record, notices dated 17th

¹ "1954 Act"



September, 1998 and 25th November, 1999 were issued to him in connection with payment of compensation. He wrote to the Land Acquisition Collector on 13th October, 1998, 15th December, 1999 and 6th December, 2001 seeking its release.

9. The amount was not paid to him. Instead, after a corrigendum was made to the acquisition record, the compensation was disbursed in 2003 to the persons claiming under the restoration order dated 30th December, 1961.

10. The Petitioner states that he first received a copy of the restoration order in 2004, while pursuing his claim before the Land Acquisition Collector. He then learnt that, despite the Sale Certificate issued to his father and the long-standing mutation entries in their favour, the land had already been restored before the Sale Certificate was issued.

Earlier proceedings before this Court

11. The Petitioner instituted W.P.(C) 17078/2004. His principal relief was payment of the acquisition compensation. In the alternative, he sought equivalent land and such other directions as would place him in the position in which he would have stood had the sale made by the Government been honoured.

12. In its counter-affidavit, the Land Acquisition Department acknowledged the auction and the Sale Certificate, but stated that the land had been released in favour of the original owners and that compensation had accordingly been paid to them.

13. On 13th April, 2005, counsel appearing for the Land Acquisition Department stated before the Division Bench that the Department had decided to revoke the payment order, recall the amount from the private respondents and refer the dispute to the court of competent jurisdiction



under Section 30 of the Land Acquisition Act. In view of that statement, the Petitioner did not press the reliefs and withdrew the petition. The Respondents were directed to abide by their statement and to proceed expeditiously after complying with the principles of natural justice.

14. Recovery proceedings were thereafter initiated against the persons who had received the compensation. They filed C.M. Nos. 4066-4068/2007 before the Division Bench, seeking recall of the order dated 13th April, 2005, principally on the ground that they had not been afforded an opportunity of hearing. By order dated 1st October, 2007, the Court clarified that any action taken pursuant to the earlier order would be without prejudice to the rights and contentions of all parties, and that any person aggrieved by such action would be at liberty to pursue the remedies available in law. The order did not adjudicate either the title to the land or the Petitioner's substantive entitlement to the acquisition compensation.

15. The Petitioner also initiated contempt proceedings. Those proceedings ended with a direction to the Land Acquisition Collector to act upon the statement made before the Division Bench. Even thereafter, neither was the proposed reference brought to fruition nor were the competing rights determined.

16. In December 2010, the restored owners approached the Chief Settlement Commissioner seeking cancellation of the 1963 Sale Certificate. The Petitioner appeared in those proceedings and sought relief on the strength of the Sale Certificate and the earlier orders of this Court.

17. By order dated 11th June, 2014, the Chief Settlement Commissioner held that, after the enactment of the Displaced Persons Claims And Other Laws Repeal Act, 2005, he lacked jurisdiction to entertain the appeal



preferred by the restored owners. The order nevertheless expressly recorded the error committed by the Department in issuing the Sale Certificate:

“It is undisputed that the land of appellant has been restored by the Authorized Deputy Settlement Commissioner on 30/12/1961. The Department has committed an error by issuing Sales Certificate on 25/04/1963 in favour of Sh. Sohan Singh Sawhney completely ignoring the fact that land of the appellant has been restored on 30/12/1961.”

18. Despite this finding, the Petitioner’s claim was also rejected on the ground that the proceedings involved disputed questions of fact requiring evidence. The present petition followed.

19. During its pendency, Harbir Singh Sawhney died. The proceedings are now being pursued by his legal representative.

Submissions-in brief

20. Mr. Rajat Aneja, Senior Counsel for the Petitioner, submits that the auction was conducted by the Government itself; the bid was accepted; the entire consideration was adjusted against compensation due on Sohan Singh’s verified claim; and a formal Sale Certificate was issued. The Department thereafter mutated his name and continued to treat Sohan Singh, and later the original Petitioner, as owner. Even at the stage of acquisition, notices for receiving compensation were issued to the Petitioner.

21. It is argued that the order of restoration was never communicated to Sohan Singh and no opportunity was afforded to him before rights created by the auction were displaced. The subsequent alteration of the revenue and acquisition records, without notice to the Petitioner, is also assailed.

22. Mr. Aneja emphasises that the Department has itself admitted its error. The Petitioner and his father were not responsible for the same and cannot be made to bear its consequence. Reliance is placed upon *Union of*



India v. Qayyum Khan,² to submit that where property is dealt with inconsistently by different arms of the Government, the Court may mould restitutive relief and grant alternative land.

23. It is further submitted that the Petitioner withdrew the earlier writ petition only because the Department represented that the compensation would be recalled and the dispute referred under Section 30 of the Land Acquisition Act. The Respondents, having failed to carry that process to its conclusion, cannot rely upon the withdrawal to defeat the claim.

24. The Respondents, on the other hand, contend that the land had been restored on 30th December, 1961 and was no longer available in the compensation pool when the sale became effective. The Sale Certificate could not convey a better title than the Government possessed. It is submitted that compensation was therefore paid to the persons recognised as owners under the restoration order.

25. The Department also maintains that neither the 1954 Act nor the Rules confer upon an auction purchaser a right to alternative land in these circumstances.

Questions arising for determination

26. The controversy gives rise to the following questions:

- i. Whether, notwithstanding the restoration order dated 30th December, 1961, the Petitioner can rely upon the auction held on 17th December, 1960 and the Sale Certificate subsequently issued in favour of Sohan Singh to claim the acquisition compensation for Khasra No. 387/311 as its owner;
- ii. What is the effect of the earlier proceedings before this Court, and whether they either foreclose the present claim or require the parties, at this

² 2009 SCC OnLine Del 839



stage, to be relegated to proceedings under Section 30 of the Land Acquisition Act, 1894;

iii. Whether the statutory auction, adjustment of the consideration and issuance of the Sale Certificate, followed by the Respondents' inability to honour the transaction, give rise to an enforceable claim of restitution against the State; and

iv. If such a claim is established, what form the relief should take: allotment of alternative land, payment of the present market value, refund of the original consideration with interest, or monetary restitution measured with reference to the compensation determined upon acquisition of the land.

Statutory framework

27. The auction was held under the Displaced Persons (Compensation and Rehabilitation) Act, 1954. Section 8 permitted compensation payable to a displaced person to be satisfied by sale of property from the compensation pool and adjustment of the purchase money against the compensation due to him. Section 20 authorised the managing officer to transfer property from the pool by public auction or otherwise.

28. Section 20A is also relevant. Where an evacuee or heir was entitled to restoration under Section 16 of the Administration of Evacuee Property Act, 1950, but physical restoration was not expedient or practicable because the property was in occupation of a displaced person "or otherwise", the Central Government could transfer another property from the compensation pool of approximately the same value or pay cash having regard to the value of the property. Once that was done, the claimant's interest in the original property stood extinguished.

29. Section 20A does not directly confer a corresponding right upon every



auction purchaser whose sale later fails. It was enacted for the benefit of an applicant entitled to restoration. Its relevance here is nevertheless evident. Parliament recognised that administration of the compensation pool could create competing claims of innocent persons and that, in such a case, the answer need not be to displace one claimant in favour of another. The statutory scheme placed the burden of providing an equivalent property or monetary substitute upon the compensation pool.

30. In *Abdul Qadir v. Managing Officer-cum-Assistant Custodian of Evacuee Property*,³ the Supreme Court considered Section 20-A where the property sought to be restored had meanwhile been sold by the Custodian to a displaced person. The Court held that, in such circumstances, it was just and proper to refuse restoration and pay compensation to the restoration claimant.

Effect of the auction and the restoration order

31. The Petitioner's principal submission proceeds on the premise that title passed with the auction on 17th December, 1960 and that the property could not thereafter have been restored. That premise cannot be accepted.

32. A declaration that a person is the highest bidder does not by itself complete a sale under the rehabilitation law. The bid is subject to approval, the purchase price must be realised and the sale must become absolute. In *Bishan Paul v. Mothu Ram*,⁴ the Supreme Court held that title passes when the full price is paid and the sale is confirmed. The sale certificate, though issued later, evidences the completed transaction and relates back to the date on which the sale became absolute.

³ (1980) 1 SCC 146

⁴ AIR 1965 SC 1994



33. The position was restated in *Saraswati Devi v. Delhi Development Authority*.⁵ The Supreme Court held that approval of the highest bid creates a binding contract of sale, while title passes upon payment of the full purchase price. The transfer is formally completed by issuance of the sale certificate. Although a date specified in the certificate may be treated as the effective date of purchase, the crucial date for transfer of ownership remains the date on which the full purchase price was paid.

34. Under Rule 90 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the fall of the hammer did not by itself complete the sale. The highest bid remained subject to approval by the competent authority, and title would pass only upon the full purchase price being paid or adjusted. The Sale Certificate thereafter issued was the formal evidence of the completed transfer.

35. In the present case, the Sale Certificate records that Sohan Singh's bid at the auction held on 17th December, 1960 had been accepted and that the consideration of ₹1,375 had been paid by adjustment against the compensation due on his verified claim. It then declares that he:

"has been declared the purchaser of the said property, w.e.f. 9th day of JUNE, 1962."

36. No order approving the bid, letter of adjustment or other contemporaneous document has been produced to show that the full purchase price stood realised and the sale became absolute before the date of restoration i.e., 30th December, 1961. There is also no material on record to establish that the statutory sale became absolute before 9th June, 1962. The Sale Certificate itself declares Sohan Singh to be the purchaser with effect

⁵ (2013) 3 SCC 571



from that date. In the absence of any contemporaneous record showing an earlier completion of the sale, 9th June, 1962 must, for the purposes of the present proceedings, be treated as the date on which the purchase took effect.

37. By then, the Authorised Deputy Custodian had already restored and released Khasra No. 387/311 by the order dated 30th December, 1961. The property was consequently no longer available for transfer from the compensation pool when the sale in favour of Sohan Singh became absolute. The restoration order was not a summary administrative entry. It followed remand, further evidence and an enquiry into whether the recorded owners had ever migrated. It recorded a clear finding that they had not migrated, remained owners and continued in possession through their cultivators. That order was never set aside.

38. In *Dr. Rajendra Prakash Sharma v. Gyan Chandra*,⁶ the Supreme Court held that only property which lawfully formed part of the compensation pool could be transferred under Section 20 of the 1954 Act. Property which had never acquired the character of evacuee property could not be validly sold under that provision. The facts here are different. Khasra No. 387/311 was initially available under the rehabilitation scheme, but had been released and restored by the competent authority before the sale in favour of Sohan Singh became effective. The relevance of *Rajendra Prakash Sharma* is therefore confined to the statutory premise that the power of transfer under Section 20 extends only to property lawfully available in the compensation pool.

39. The mutation entries made first in favour of Sohan Singh and



thereafter in favour of the original Petitioner cannot cure the absence of title. A mutation entry is made for fiscal purposes and neither creates nor extinguishes title. The notices issued to the Petitioner during the acquisition proceedings likewise did not amount to an adjudication or recognition of ownership. They are relevant in showing that the authorities continued to treat him as a person interested in the land and reasonably explaining his continued understanding that the statutory sale remained recognised. They could not, however, negate the legal effect of the restoration order dated 30th December, 1961.

40. The grievance that Sohan Singh was not heard in the restoration proceedings does not advance his case. Those proceedings were already pending and had been remanded for enquiry before the auction. Even if it is assumed that notice ought to have been given to him thereafter, that omission cannot alter the legal effect of the restoration order or render the subsequent transfer of Khasra No. 387/311 valid. At best, it may bear upon the relief available against the Government.

41. The compensation paid to the restored owners therefore cannot be redirected to the Petitioner on the footing that he was owner on the date of acquisition. The Sale Certificate, insofar as it included Khasra No. 387/311, did not convey title. That, however, does not end the matter. The question that remains is what relief is due to an innocent auction purchaser who was issued a formal certificate for property the Government had already released.

Effect of the earlier proceedings

42. The order dated 13th April, 2005 did not adjudicate either the Petitioner's title or his entitlement to the acquisition compensation. It

⁶ (1980) 4 SCC 364



recorded the statement made on behalf of the Land Acquisition Department that the payment made to the restored owners would be recalled and the competing claims referred for determination under Section 30 of the Land Acquisition Act. In view of that statement, the Petitioner did not press the reliefs sought in the writ petition. The position was made still clearer by the subsequent order dated 1st October, 2007, which directed that any action taken pursuant to the earlier order would be ***“without prejudice to the rights and contentions of every party.”*** The contempt proceedings which followed were concerned with enforcement of the course recorded in the order dated 13th April, 2005; they did not adjudicate the underlying rights of the parties.

43. The present petition is therefore not barred by *res judicata* or by the withdrawal of W.P.(C) 17078/2004. The Petitioner accepted the proposal given by the Department and gave up that round of litigation because he was told that the payment would be recalled and the competing claims would be placed before the competent court. The Respondents cannot derive an advantage from their failure to complete the very process on the strength of which the petition was withdrawn.

44. The reliefs sought in the earlier writ petition remain relevant to the form of restitution. There, the Petitioner’s primary claim was for acquisition compensation; alternative land was claimed only as a fallback. This does not limit the Court’s power to mould relief, but it shows that monetary restitution linked to the acquisition best reflects the position the Petitioner would have occupied had the statutory sale been capable of being honoured.

45. The course contemplated in 2005 was suitable while the competing claims to compensation remained unresolved. The Land Acquisition Collector was to recall the amount and place the dispute before the



competent court under Section 30. That never happened. More than two decades later, the compensation remains with the restored owners, and the Department's error in including Khasra No. 387/311 in the Sale Certificate stands recorded. The issue can no longer be approached only as one of apportionment. The Government's responsibility for having purported to sell property which was no longer available for transfer must also be addressed.

46. A reference under Section 30 could decide who was entitled to a particular acquisition amount. It would not address the Respondents' restitutive liability for a statutory sale which failed because the property had already been released. Sending the parties back now would only revive a process left incomplete for two decades, without materially advancing the resolution of the dispute.

47. The material facts necessary to decide the present petition are not in dispute. The auction, the restoration order, the Sale Certificate, adjustment of the consideration, mutation entries, acquisition of the land, and disbursement of the acquisition compensation to the restored owners are all evidenced by official records. The Chief Settlement Commissioner has also recorded the Department's error in issuing the Sale Certificate after the land had been restored. The legal consequences of these documents can be determined without oral evidence. The rejection of the Petitioner's claim on the ground that the parties had raised disputed assertions therefore failed to address the undisputed documentary core of the matter. Allegations of fraud and collusion were undoubtedly levelled against Sohan Singh, but no competent authority or court returned any such finding. Those allegations cannot now be treated as established or relied upon to defeat the Petitioner's claim for restitution.



The Petitioner's right to restitution

48. The finding that title did not pass to the Petitioner does not reduce his claim to a bare refund of the nominal consideration adjusted in 1960.

49. The transaction was not a private bargain between individuals. The Ministry of Rehabilitation invoked statutory power, invited bids, accepted Sohan Singh's bid, adjusted the consideration against compensation due on his verified claim and issued a formal Sale Certificate under its seal. The Department caused his name to be mutated and allowed that entry to subsist. After his death, the original Petitioner's name was entered in the revenue record. The Land Acquisition Collector thereafter issued notices inviting the Petitioner to receive compensation.

50. There is no suggestion that Sohan Singh concealed the restoration order, influenced the auction, or knew that the land had ceased to be available when the Sale Certificate was issued. The record instead shows a failure of coordination within the administration. One authority restored the property; another proceeded with the sale; and the error remained embedded in the public record for decades.

51. The State cannot acknowledge that its own authority sold property which was no longer available, retain the benefit of the consideration adjusted against the displaced person's claim, and then leave the purchaser without land or meaningful recompense. That result would transfer the entire burden of an official mistake to a person who neither caused it nor had the means to discover it.

52. ***Qayyum Khan*** concerned the converse situation. Property of a person wrongly treated as an evacuee was restored by the Government, but had meanwhile been sold to innocent purchasers. The Division Bench held that



Article 226 conferred ample power to mould a restitutive remedy and ultimately directed allotment of alternative land to the original owner. The decision rests on the principle that where inconsistent actions of the State have created rights in favour of innocent persons, the State must provide a remedy rather than compel one innocent party to bear the loss caused by the administration.

53. The power of restitution is not confined to Section 144 of the Code of Civil Procedure. In *Kavita Trehan v. Balsara Hygiene Products Ltd.*,⁷ the Supreme Court held that Section 144 incorporates only a part of the general law and the jurisdiction to make restitution is inherent in every Court. The object of restitution is to restore the person who has suffered the wrong, as nearly as possible, to the position which he would have occupied but for the wrongful act.

54. The Court is not precluded from granting monetary relief merely because the Petitioner's claim arises from a statutory sale. This was not a private contract between individuals. The Ministry of Rehabilitation, acting under the 1954 Act, conducted the auction, adjusted the consideration against Sohan Singh's verified claim and issued a Sale Certificate for land which, by then, had already been restored. These facts are borne out by official records, and the Department has acknowledged the error. The relief now granted is therefore not an award of disputed private-law damages. It is a public law remedy under Article 226 for the consequences of an admitted administrative wrong. The plenary jurisdiction under Article 226 is available in such circumstances.⁸

⁷ (1994) 5 SCC 380

⁸ ABL International Ltd. v. Export Credit Guarantee Corporation of India Ltd., (2004) 3 SCC 553



55. The repeal of the 1954 Act and the allied rehabilitation laws in 2005 does not preclude this Court from examining the consequences of action taken while that regime was in force. The relief granted here is neither a statutory benefit under the repealed enactments nor a revival of proceedings under them. It is relief under Article 226 for the consequences of the Respondents' unlawful act in issuing a Sale Certificate in respect of land which had already been restored and was no longer available for transfer.

Form and measure of relief

56. The Petitioner seeks alternative land measuring 4 bighas and 14 biswas, preferably of equivalent present value. That relief cannot be granted.

57. First, the 1954 Act and the Rules do not confer upon an auction purchaser, whose sale fails in these circumstances, an enforceable right to another parcel of land. Section 20A authorised substitution of property or cash for an evacuee or heir entitled to restoration. It cannot be transposed as a statutory entitlement in favour of every unsuccessful auction purchaser.

58. Second, *Qayyum Khan* does not lay down that alternative land must invariably be allotted whenever the Government has wrongly dealt with property. There, the claimant was the original owner whose property had been erroneously taken over and sold. The direction for alternative land followed the particular history of that case and the impossibility of restoring property already transferred to innocent purchasers. Here, the Petitioner derives his claim as an auction purchaser and the sale never became effective before restoration.

59. Third, alternative land does not correspond to the loss that requires redress. Had the sale in favour of Sohan Singh validly taken effect, Khasra No. 387/311 would nevertheless have been acquired in 1998 for the Noida



Toll Bridge, entitling him to acquisition compensation. Restitution should therefore reflect that lost monetary benefit, rather than take the form of allotment of another parcel of land today.

60. The claim for present market value encounters the same difficulty. It assumes that the Petitioner would have continued to hold the land notwithstanding its acquisition in 1998. That assumption cannot be sustained. Once the land stood acquired, the relevant economic consequence would have been the compensation payable on acquisition, not its value as privately held land more than twenty-five years later.

61. A refund of the proportionate part of ₹1,375, even with interest, would not provide meaningful restitution. Such a remedy might have sufficed had the error been corrected at the time. Instead, the Government issued the Sale Certificate, allowed the revenue entries to remain, and later treated the Petitioner as a person interested in the acquisition proceedings. The loss is therefore not confined to the purchase price attributable to Khasra No. 387/311; it includes the monetary benefit which ownership would have yielded upon acquisition. Restitution must reflect that loss.

62. The original position can no longer be restored in kind. The Court must therefore adopt the nearest lawful and objective monetary measure of the loss.

63. The acquisition award provides that measure. Had the sale in favour of Sohan Singh validly taken effect, Khasra No. 387/311 would nevertheless have been acquired in 1998, and ownership would have yielded the compensation payable in respect of that land under Award No. 6/1999-2000. The award concerns the same land and the same acquisition, and provides an objective measure of the monetary benefit that was lost. It avoids both the



inadequacy of refunding the 1960 consideration and the excess of awarding present market value.

64. This does not amount to a declaration that the Petitioner owned the land or was entitled to compensation under the Land Acquisition Act. The acquisition compensation is used only as the measure of restitution for the consequences of the Government having purported to sell property which was no longer available for transfer. The payment already made to the restored owners is not reopened. The Petitioner's remedy lies independently against the Respondents.

65. The restitution amount shall therefore be equivalent to the total amount actually disbursed in respect of Khasra No. 387/311 pursuant to Award No. 6/1999-2000, including market value, additional amount, solatium, statutory interest and any other statutory component forming part of that disbursement.

66. The Petitioner was deprived of that monetary equivalent from the dates on which the amounts were disbursed to the restored owners. The sums determined under paragraph 67 shall therefore carry simple interest at 9% per annum from the respective dates of disbursement until payment. This interest is awarded as part of restitution and not under Section 34 of the Land Acquisition Act, 1894.

Conclusion and operative directions

67. The writ petition is accordingly allowed in part, in the following terms:

- i. No interference is called for with the order dated 30th December, 1961 insofar as it concerns Khasra No. 387/311. The relief granted to the Petitioner under this judgment shall be independent of, and shall not be



made contingent upon, recall or recovery of the compensation already disbursed to the restored owners under Award No. 6/1999-2000.

ii. Insofar as Khasra No. 387/311, measuring 4 bighas and 14 biswas, is concerned, the Petitioner cannot rely upon the Sale Certificate to displace the restoration order dated 30th December, 1961 or to claim the acquisition compensation as owner of the land. Nothing in this judgment affects any rights relating to the other properties included in the Sale Certificate.

iii. The order dated 11th June, 2014 passed by the Chief Settlement Commissioner is set aside only to the extent that it rejects the Petitioner's claim for consequential relief on the ground that the matter involved disputed questions. Its determination regarding the maintainability of the appeal preferred by the restored owners is left untouched.

iv. The prayer for allotment of alternative land or payment of the present market value of Khasra No. 387/311 is declined. The Petitioner shall instead be entitled to monetary restitution in the manner set out below.

v. Within four weeks, the concerned Land Acquisition Collector shall prepare and furnish to the substituted Petitioner, Respondent No. 1 and Respondent No. 3 a certified computation setting out:

a. the total amount disbursed under Award No. 6/1999-2000 in respect of Khasra No. 387/311, measuring 4 bighas and 14 biswas;

b. the components comprised in that amount, including market value, additional amount, solatium, interest and other statutory additions, if any; and

c. the date or dates on which the respective amounts were disbursed to the restored owners or their successors.

vi. Respondent Nos. 1 and 3 shall ensure payment to the estate of Harbir



Singh Sawhney, through the substituted Petitioner, Harashpal Singh Sawhney, of an amount equal to the total sum so disbursed, together with simple interest at 9% per annum on each component from the date of its disbursement until payment.

vii. The entire amount shall be paid within twelve weeks from the date of this judgment. The allocation of liability between Respondent Nos. 1 and 3 is left to them and shall neither postpone payment nor require the substituted Petitioner to pursue the authorities separately.

viii. If payment is not made within the period of twelve weeks, the rate of interest on the outstanding amount shall stand enhanced from 9% to 12% per annum, simple, from the expiry of that period until actual payment.

ix. No separate refund of the auction consideration shall be payable in addition to the monetary restitution directed above.

x. Upon payment of the amount directed above, all claims of the estate of the deceased Petitioner arising from the inclusion of Khasra No. 387/311 in the Sale Certificate shall stand satisfied.

68. Having regard to the prolonged proceedings which the Petitioner was required to pursue on account of an error originating in the Respondents' own records and statutory transaction, the Petitioner shall also be entitled to costs quantified at ₹50,000. Respondent Nos. 1 and 3 shall jointly ensure payment of the costs within the period stipulated above.

69. The writ petition is disposed of along with the pending applications, if any.

SANJEEV NARULA, J

AUGUST 31, 2026

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