

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.9 of 1990 (O&M)

Date of decision: 29.04.2015

Union of India and others

..... Appellants

versus

Ganesh Dass through LRs and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Deepak Malhotra, Central Government Standing
Counsel for the appellants
Mr. Vishal Aggarwal, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Challenged in the present appeal is the judgment dated 25.9.1989, passed by the learned Additional District Judge, Gurdaspur, who acted as Arbitrator to determine the compensation of the acquired land in terms of Section 8 of the Requisitioning and Acquisition of Immovable Properties Act, 1952 (for short, 'the Act'). The land was acquired for defence purposes under Section 7 of the Act. Challenge to the said award is only on the ground that under the said Act the Arbitrator (learned Additional District Judge, Gurdaspur) was not competent to grant the solatium and interest thereon. The controversy has been set at rest by the Hon'ble Supreme Court of India in Dilawar Singh and others v. Union of India and others, 2012

(3) RCR (Civil) 16, wherein it was held as under:-

*“It is noteworthy that the High Court of Punjab and Haryana has in **Union of India v. Inder Singh and Anr.** In LPA No. 1918 of 1989 and connected matters upheld grant of solatium and interest in regard to a similar acquisition made in terms of a notification issued in January 1970. While doing so the High Court placed reliance upon its decision in **Shankar Singh and Others v. Union of India** 1988 (1) PLR 163 Mr. Subramaniam, learned Solicitor General fairly conceded that no appeal has been preferred by the Union of India against the decision in **Shankar Singh’s** case (supra) or that delivered in **Union of India v. Inder Singh and Anr** (supra). In that view of the matter therefore and having regard to the fact that there was an inordinate delay of 16 years in the appointment of an Arbitrator in the present cases, we have no hesitation in holding that the principle laid down by this Court in the decisions referred to above would entitle the land owners to the benefit of solatium and interest especially when the owners who have lost land in similar circumstances and for the same purpose have been given such a benefit.”*

In view of the said fact, no fault can be found with the award passed by the Arbitrator and further that the solatium and interest as per award is payable.

It being so, the present appeal stands dismissed.

29.04.2015
gk

(Kuldip Singh)
Judge