IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10863 of 2015

Date of Decision: 27.5.2015

Sudarshan Singh

....Petitioner.

Versus

Union of India and others

...Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.

PRESENT: Mr. Harit Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Notice of motion.

2. On the asking of the Court, Ms. Sheenu Sura, Advocate accepts notice on behalf of Union of India/respondent No.1, Mr. Rishi Kaushal, Advocate for NHAI/respondent No.2 and Ms. Munisha Gandhi, Additional Advocate General, Punjab for respondent No.3.

3. Learned counsel for the petitioner has handed over two copies of the petition to each of the learned counsels for the respondents.

4. In view of the nature of order which we propose to pass, no reply-affidavit is required to be filed by the respondents.

5. The petitioner is a resident of village Jethuwal, Tehsil and District Amritsar. His land, as fully described in para No.2 of the writ petition, had been acquired by respondent Nos.1 and 2 under the

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National Highways Act, 1956.

6. The Award was passed in the year 2009 by the Land Acquisition Collector/Competent Authority.

7. The petitioner's main grievance is that while assessing the compensation, the benefits of Sections 23, 28 and 34 of the Land Acquisition Act, 1894, namely, solatium and interest were not granted to them despite the fact that this Court in **M/s Golden Iron and Steel Forgings versus Union of India and others, 2011 (4) RCR (Civil) 375,** has categorically held that even in the case of acquisition under the National Highways Act, 1956, the above mentioned two statutory benefits are equally admissible to the affected land-owners. The petitioners also rely upon two decisions of this Court, both dated 27.9.2012 passed in **CWP No.7457 of 2012 (Bhag Singh and another versus Commissioner, Jalandhar Division and others)** and **CWP No.14642 of 2012 (Prem Kaur versus Union of India and others)** whereby the benefits of solatium and interest in terms of the above-cited decision of this Court, have been extended to the similarly situated land-owners. Reliance was placed upon the orders, Annexures P-3 and P-4, passed by this Court in similar circumstances.

8. Another grievance of the petitioner is that besides submission of applications etc., he is running from pillar to post before the officers of respondent No.2- National Highways Authority for the release of abovementioned benefits but the same are withheld only on the plea that no directions have been given by this Court in her case. The aggrieved petitioner has now approached this Court.

9. We have heard learned counsel for the parties at some length and gone through the record.

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10. The principles laid down by this Court in Golden Iron and Steel Forgings's case (supra), are not in dispute. Further, the fact that the benefits of solatium and interest have been extended by this Court to the similarly situated land-owners vide order dated 27.09.2012 in Bhag Singh's case (supra), can also be hardly disputed. In these circumstances, we are of the view that it is imperative upon respondent Nos.1 and 2 to consider the petitioner's claim for the grant of solatium and interest in accordance with the decision of this Court in Golden Iron and Steel Forgings's case (supra).

11. The writ petition is accordingly disposed of in the following terms:-

(i) The petitioner shall move application before the notified Competent Authority-cum-Land Acquisition Collector within a period of one month for the grant of aforesaid benefits;

(ii) The said Competent Authority will issue notice and call for the records/reply from the National Highway Authority of India;

(iii) The Competent Authority shall thereafter determine whether or not the petitioner is entitled to the aforesaid benefits, especially in view of the decisions of this Court and the Hon'ble Supreme Court relied upon by the claimants;

(iv) If the petitioner is found entitled to, a self speaking supplementary Award to this effect shall be passed within a period of four months from the date of filing of the application;

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(v) The National Highways Authority of India shall deposit the amount, if any, payable in terms of supplementary award, in interest-bearing fixed deposit account(s) in any nationalized bank and disbursement thereof shall be subject to the final decision of the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.15104 of 2014 titled: Project Director, National Highway, No. IV vs. Rajeshwar Singh and Ors.

12. Writ petition stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2015
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(REKHA MITTAL)
JUDGE

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