

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.17035 of 2015

Date of decision:18.8.2015

Malwinder Singh

....Petitioner

VERSUS

Union of India through Secretary and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Alok Jain, Advocate for respondent No.1.

Mr. Rishi Kaushal, Advocate for respondent No.2.

HEMANT GUPTA, J.(Oral)

The grievance of the petitioner is that the amount of compensation awarded does not include the amount of solatium and other statutory benefits as were available under Sections 23(1-A), 23(2), 28 and 34 of the Land Acquisition Act, 1894 (for short 'the Act') in the Award No.20 dated 08.10.2010.

The petitioner relies upon a judgment of this Court in M/s Golden Iron and Steel Forgings v. Union of India and others, 2011 (4) R.C.R. (Civil) 375, wherein it has been held that benefits as are available under the Land Acquisition Act, 1894 are available in respect of acquisition of land under the National Highways Act, 1956 as well. Similar issues have been dealt with by a Division Bench of this Court such as in CWP No.3902 of 2015 titled Usha Rani v. Union of India and others, decided on 10.03.2015, copy of which order has been attached as Annexure P-2 with the writ petition.

Learned counsel for the respondents fairly admits that the claim of the petitioner is covered by the aforesaid judgment in Usha Rani's case (supra).

In view of the said fact, the present writ petition is disposed of in the same terms as in Usha Rani's case (supra), subject to the decision of Hon'ble Supreme Court in Civil Appeal No.10695 of 2011 titled M/s Golden Iron & Steel Forgings v. Union of India and others.

(HEMANT GUPTA)
JUDGE

AUGUST 18, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE