

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.9713 of 2015

Date of Decision: May 15, 2015

Malak Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Sandeep Sharma,Advocate,for the petitioner.
Mr.Sunil Kumar Sharma, Senior Panel Counsel
for Union of India.
Mr.Rishi Kaushal, Advocate, for NHAI.
Mr.Aman Bahri, Additional AG, Punjab.

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1. Whether Reporters of Local papers 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?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Sunil Kumar Shama, Senior Panel Counsel for Union of India accepts notice on behalf of respondent No.1; Mr.Rishi Kaushal, Advocate, accepts notice on behalf of respondent No.2 and Mr.Aman Bahri, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent No.3.

Let two copies of the writ petition be supplied to each learned counsel for the respondents during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, there is no need to seek any counter-reply from the respondents at this stage.

The petitioner is resident of village Chachowali, Tehsil and District Amritsar. His land fully described in para No.2 of the writ petition, had been acquired by respondent Nos.1 & 2 under the National Highways Act, 1956.

The Award was passed on 09.11.2012 by the Land Acquisition Collector/Competent Authority.

The petitioner's main grievance is that while assessing the compensation, the benefits of Sections 23 and 28 and 34 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'), namely, solatium and interest were not granted to him 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 petitioner also relies upon two decisions of this Court, dated 27.9.2012 passed in CWP No.7457 of 2012 (Bhag Singh and another versus Commissioner, Jalandhar Division and others) and dated 27.9.2012 passed in 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.

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 above-mentioned benefits but the

same are withheld only on the plea that no directions have been given by this Court in his case. The aggrieved petitioner has now approached this Court.

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

The principles laid down by this Court in Golden Iron and Steel Forgings's case (supra), are not in dispute. Similarly, the fact that the benefit of solatium and interest has 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 & 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).

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

- (i) The petitioner shall move an 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

claimant(s);

- (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;
- (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 (Project Director, National Highway, No.IV versus Rajeshwar Singh and others).

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

May 15, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE