

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

CR No. 5287 of 2015(O&M)

Date of decision: 02.03.2016

Harinder Singh ... Petitioner
versus
State of Punjab and another Respondents

2. CR No. 1583 of 2015(O&M)
Nisha Ram deceased through LR Nand Singh and others ... Petitioners
versus
State of Punjab and another Respondents

3. CR No. 5291 of 2015(O&M)
Jagdev Singh ... Petitioner
versus
State of Punjab and another Respondents

4. CR No. 5955 of 2015(O&M)
Som Nath and others ... Petitioners
versus
State of Punjab and another Respondents

5. CR No. 2907 of 2015(O&M)
Surjit Singh and others ... Petitioners
versus
State of Punjab and another Respondents

6. CR No. 3345 of 2015(O&M)
Surjit Singh and others ... Petitioners
versus
State of Punjab and another Respondents

7. CR No. 3347 of 2015(O&M)

Baljit Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Pritam Saini, Advocate, for the petitioner.

Mr. Vikas Chatrath, Advocate for respondent No.2.

K.Kannan, J. (ORAL)

The order passed is clearly untenable and against the law laid down by the Hon'ble Supreme Court and the bare provision of the Land Acquisition Act, 1894 (in short the 'Act'). Interest on solatium is payable as per the provision of the Act in Section 23(2) and has interpreted by the Supreme Court in Sunder Vs. Union of India, AIR 2001 SC 356. Interest on the additional amount is also payable under Section 28(2) of the Act. There was a doubt if the State had paid the whole of the amount as awarded already. It was a case of the order of stay operating for 50% during the pendency of the appeal by the State as well as the land owners. The matter has gone upto the Supreme Court where the award passed by this Court was confirmed. Consequently, the claimants became entitled to the remaining part of 50% which had not been claimed by them. In such a situation, the State cannot contend that the full amount had been paid.

Counsel for the petitioners states that apart from the 6 land owners involved in this case, there were 40 or more cases connected to the very same batch and they have been given benefit of interest on

solatium and interest on the additional amount awarded by the High Court as confirmed by the Hon'ble Surpeme Court.

The impugned orders are set aside and the civil revisions are allowed giving the land owners-decree holders the benefit of the interest on both solatium as well as the additional amount.

The revision petitions are allowed.

(K.KANNAN)
JUDGE

02.03.2016

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