

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13743 of 2016.

Date of Decision: July 15, 2016

Sahib Dayal

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE DARSHAN SINGH.**

Present: Mr.Dinesh Mahajan, Advocate, for the petitioner.
Mr.Sunil Kumar Sharma, Sr.Panel Counsel for UOI.
Mr.Rishi Kaushal, Advocate for NHAI.
Mr.Rajesh Bhardwaj, 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 Sharma, learned counsel for Union of India accepts notice on behalf of respondent No.1; Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent No.2 and Mr.Rishi Kaushal, Advocate accepts notice on behalf of respondent No.3.

Let two copies of the writ petition be supplied to each learned counsel for respondent Nos.1 & 2 and learned State counsel 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, it is not necessary to seek any counter-reply from the respondents at this stage.

The petitioner is a resident of Patel Nagar, Pathankot. His land, as described in para No.4 of the writ petition, has been acquired by respondent No.1 under the National Highways Act, 1956, for widening of National Highway No.15.

The Award was passed on 10.08.2010 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 have not been 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 in the case of acquisition under the National Highways Act, 1956 also, these two statutory benefits are equally admissible to the affected land-owners. The petitioner also relies upon the 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 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, were extended to similarly situated land-owners.

The petitioner, besides submitting the applications etc., has been running from pillar to post for the release of above-mentioned benefits but the same are said to have been withheld on the plea that there are no such directions given by this Court in his favour.

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 undisputable. The fact that the benefit of solatium and interest has been extended to other similarly situated land-owners vide order dated 27.09.2012 in Bhag Singh's case (supra), can be hardly denied. In these circumstances, it appears imperative upon respondent No.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 may apply to the 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 the petitioner's claim for the aforesaid benefits, especially in view of the decisions of this Court and the Hon'ble Supreme Court, as 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

July 15, 2016
mohinder

[DARSHAN SINGH]
JUDGE