

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

CWP No.16651 of 2015 (O&M)

Date of Decision: 03.10.2016

Sarabjit Kaur and another

..... Petitioners

Versus

Union of India and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

- | | |
|--|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. To be referred to the Reporters or not? | Yes/No |
| 5. Whether the judgment should be reported in the Digest? | Yes/No |

Present: Mr. Anish Garg, Advocate,
for the petitioners.

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

Mr. N.D.S. Mann, Addl. A.G., Punjab.

SURYA KANT J. (ORAL)

1. The petitioners have laid challenge to the award dated 30.08.2013 passed by Divisional Commissioner, Patiala-cum-Arbitrator appointed under Section 3G(5) of National Highways Act, 1956. The primary grievance of the petitioners is against the non-award of solatium at the rate of 30% as prescribed under the erstwhile Land Acquisition Act, 1894 (for short 'the 1894 Act'), which was required to be followed while assessing the compensation.

2. In view of the provision contained in Section 23(2) of the 1894 Act, which mandates payment of solatium at the rate of 30% on the assessed market value read with the judgment of Hon'ble Supreme Court in *Civil*

Appeal Nos.8874-8883 of 2013 (NHAI Vs. RLF Industries and others), we allow this writ petition in part; modify the award of the Arbitrator dated 30.08.2013 and hold the petitioners entitled to solatium at the above-stated enhanced rate of 30%. The petitioners shall also be entitled to interest on the arrears of solatium at the statutory rate. Due payment be made to the petitioners within a period of three months from the date of receipt of certified copy of this order.

3. Disposed of.

(SURYA KANT)
JUDGE

03.10.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE