

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18936 of 2015

Date of Decision: 11.2.2016

Rajinder Singh and another

....Petitioners.

Versus

Union of India and others

...Respondents.

1. Whether the Reporters of the 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?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. H.S. Brar, Advocate for the petitioners.

Mr. Sunil K. Sharma, Advocate for respondent No.1.

Mr. Sunil K. Sahore, Advocate for respondent No.2.

Ms. Sudeepti Sharma, DAG, Punjab.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the award dated 28.1.2009 (Annexure P-1) passed by respondent No.4 and the order dated 30.10.2014 (Annexure P-6) passed by the Additional District Judge, Hoshiarpur. Further, a writ of mandamus has been sought directing the respondents to grant solatium and interest under Sections 23 and 28 of the Land Acquisition Act, 1894 (in short "the Act") in view of the

judgments (Annexures P-3 to P-5, respectively) passed by this Court. Prayer for issuance of a writ of mandamus has also been made directing the respondents to award the enhanced compensation of the acquired land to the petitioners.

2. The land of the petitioners situated within the revenue estate of village Dalla, Tehsil Dasuya, District Hoshiarpur had been acquired for the public purpose of widening and four laning of Jalandhar-Pathankot National Highway by respondents No.1 and 3 under the National Highways Act, 1956.

3. The award was passed on 28.1.2009 (Annexure P-1) by the Land Acquisition Collector/Competent Authority.

4. The petitioners' main grievance is that while assessing the compensation, the benefits of Sections 23 and 28 of the Act, namely, solatium and interest were not granted to them 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 petitioners also rely upon the decisions of this Court in **CWP No. 7457 of 2012** titled as **Bhag Singh and another v. Commissioner, Jalandhar Division and others, decided on 27.9.2012** (Annexure P-2) **CWP No.14642 of 2012** titled as **Prem Kaur v. Union of India and others, decided on 27.9.2012** (Annexure P-3), **CWP No.15661 of 2013** titled as **Sanjay Kumar versus Union of India and others decided on 24.7.2013** (Annexure P-4) and **CWP No. 17058 of 2013** titled as **Harbhajan Singh and others v. Union of India and**

others, decided on 7.8.2014 (Annexure P-5) 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.

5. Another grievance of the petitioners is that besides submission of applications etc., they are running from pillar to post before the officers of respondent No.2- National Highways Authority for the release of abovementioned benefits but the same are withheld only on the plea that no directions have been given by this Court in their case(s). The aggrieved petitioners have now approached this Court.

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

7. The principles laid down by this Court in M/s Golden Iron and Steel Forgings's case (supra), are not in dispute. Further, the fact that the benefits of solatium and interest have 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 petitioners' claim for the grant of solatium and interest in accordance with the decision of this Court in M/s Golden Iron and Steel Forgings's case (supra).

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

- (i) The petitioners shall move application(s) 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 petitioners are entitled to the aforesaid benefits, especially in view of the decisions of this Court and the Hon'ble Supreme Court relied upon by the claimants;
- (iv) If the petitioners are 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(s);
- (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 till the final decision of the Hon'ble Supreme Court in **Civil Appeal No. 10695 of 2011 titled as M/s Golden Iron & Steel Forgings v. Union of India and others** and **Special Leave to Appeal (Civil) No.15104 of 2014 titled: Project Director, National Highway, No. IV vs. Rajeshwar Singh and Ors.**

9. Writ petition stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

February 11, 2016
gbs

(RAJ RAHUL GARG)
JUDGE