

CWP-3202-2015

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

1. CWP-3202-2015
Date of Decision: July 14, 2016

Rakesh GuptaPetitioner
Versus
Union of India and others
.....Respondents

2. CWP-26146-2015

Baljinder Kaur and others
.....Petitioners
Versus
Union of India and others
.....Respondents

3. CWP-4122-2016

Baljinder Singh
.....Petitioner
Versus
Union of India and others
.....Respondents

4. CWP-547-2016

Kali Ram and another
.....Petitioners
Versus
Union of India and others
.....Respondents

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

Present: Mr.Shailendra Jain, Sr.Advocate with
Mr.Mannu Chaudhary, Advocate
for the petitioners.
Mr.Sunil Kumar Sharma, Senior Panel counsel
for UOI.
Mr.NDS Mann, DAG, Punjab.
Mr.Shiv Charan Singh Chahal, Advocate for
Mr.Jaspreet Singh, Advocate and

Mr.Rishi Kaushal, Advocate
for respondent No.3-NHAI.

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.

This order shall dispose of CWP Nos.3202, 26146 of 2015 and 547 and 4122 of 2016. In all these cases, the petitioners have laid challenge to the Award dated 31.12.2013 passed by the Sub Divisional Magistrate-cum-Land Acquisition Collector, Patiala, in purported exercise of his powers under Section 3-G of the National Highways Act, 1956 (for short, 'the 1956 Act'). The aforesaid Award has been challenged on two counts, namely, (i) that instead of assessing the market value independently in exercise of his *quasi judicial* powers, the Land Acquisition Collector has determined the market value only on the basis of the report of the District Price Fixation Committee; and (ii) the solatium and the additional amount under Section 23(2) and 23 (1-A) of the Land Acquisition Act, 1894, as applicable to an acquisition under the 1956 Act, has not been awarded in addition to the 'market value' of the acquired land.

Learned counsel for the parties are *ad idem* that the impugned Award, in any case, is liable to be set aside on the first ground as it is covered by a decision of this Court, dated May 20,

2013, rendered in Joginder Singh vs Commissioner, Rohtak Division,
Rohtak-cum-Chairman of the Committee and others, passed in CWP
No.1106-2013.

Without going into the merits of the second contention, the instant writ petitions are allowed in terms of the above cited decision; the impugned Award is set aside and the matter is remitted to respondent No.2 to pass a fresh award in accordance with law, after giving opportunity of hearing to the parties.

(SURYA KANT)
JUDGE

July 14, 2016
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(DARSHAN SINGH)
JUDGE