

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 2735 of 1996
Date of decision: 31.01.2017

Ayudhya Devi

....Appellant(s)

Versus

Union of India and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Munish Gupta, Advocate,
for the appellant.

Mr. Vipul Aggarwal, Sr. Panel Counsel,
for respondent no. 1.

G.S.SANDHAWALIA, J. (Oral)

The appellant is aggrieved against the award dated 01.06.1996 passed by the Additional District Judge, Ludhiana, while exercising the powers of the Arbitrator under the Requisitioning and Acquisition of Immovable Property Act, 1952 (in short 'the Act'). Vide the said award, compensation of the land in dispute has been assessed at ₹8,00,000/- per acre (₹165/- per square yard) which was to be paid within 3 months failing which interest @ 10% was to be paid. The land in question is situated at village Dholewal and the notification requisitioning the land is dated 09.03.1987. The Authorities had awarded ₹2,55,110/- per acre (₹52.70 per square yard).

It is a matter of record that similarly situated land owners pertaining to the 5 villages in question including village Dholewal had come to this Court in ***Dr. Jagdish Parkash vs. The Competent Authority, 2006***

(4) RCR (Civil) 711 against the award passed by the District Judge, Ludhiana under the Act. This Court had set aside the deduction of 1/3rd which had been granted and for village Dholewal, ₹390/- had been awarded per square yard. The 1/3rd cut whereby compensation was assessed at ₹260/- per square yard had been set aside. The matter was taken to the Apex Court in **Civil Appeal No. 1052 of 2014, Union of India vs. Vidya Rani and another** decided on 29.01.2014.

The Apex Court clarified that the land owners would also be entitled to the 15% solatium and interest @ 6% from the date of award passed by the arbitrator. It was clarified that the amount payable would depend on the land situated in different villages and at the rate fixed by the arbitrator. It was further noticed that though this Court had observed about the rate of solatium, but the same had not been reflected in the operative part of the order. The relevant part of the said order reads as under:-

“14. Having heard the parties to the lis, we are of the considered opinion that the orders passed by the learned Single Judge does not require any interference by this Court, except that portion of the order where the Court has refused to award solatium and interest.

15. In the result, the appeals are disposed of. We modify the judgment and order passed by the High Court and award 15% solatium and interest at the rate of 6% on the compensation from the date of award passed by the arbitrator. The acquiring authority is directed to pay the aforesaid amount within three months' from the date of receipt of this Court's order.

16. We clarify that the amount payable would depend on the land/(s) situated in different villages and at the rates fixed by the arbitrator. We further clarify

that we have not disturbed the other portion of the order passed by the High Court.

17. The Civil Appeals as well as the applications filed are disposed of accordingly.

Ordered accordingly.”

Resultantly, keeping in view the above, the present appeal is disposed of in the same terms as per the observations of the Apex Court and appellant is also held entitled for the same benefits.

31.01.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No