IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 101 of 2017 (O&M)
Date of decision: 3.5.2017

Gurwinder Singh

.. Petitioner

v.

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Satbir Rathore, Advocate for the petitioner.
Mr. Rishi Kaushal, Advocate for respondents No. 1 and 2.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab.

...

Rajesh Bindal J.

The land, as mentioned in the writ petition, was acquired under the National Highways Act, 1956 (for short, 'the Act') for widening of National Highway. The award was passed by the competent authority. The grievance of the petitioner is that while assessing the compensation, the benefits as available under Sections 23 and 28 of the Land Acquisition Act, 1894, such as solatium and interest were not granted. Reliance was placed upon judgment of this court in M/s Golden Iron and Steel Forgings v. Union of India and others, 2011 (4) RCR (Civil) 375. Learned counsel for

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the petitioner has also referred to various orders passed by this court, wherein direction has been given to the competent authority to consider the claim of the landowners in terms of the judgment of this Court in M/s Golden Iron and Steel Forgings's case (supra). The order passed in CWP No. 25846 of 2016—Joginder Singh and another v. Union of India and others, decided on 14.12.2016 was also placed before the court, in which in addition to the aforesaid judgment of this court, order dated 11.8.2016 passed by Hon'ble the Supreme Court in Civil Appeal No. 10533 of 2011—Sunita Mehra and another v. Union of India and others, has been referred to and certain directions have been given for calculation of amount and depositing the same in a nationalised bank to be disbursed subject to final result in the pending appeal before Hon'ble the Supreme Court against the judgment of this Court in M/s Golden Iron and Steel Forgings's case (supra).

Learned counsel for respondents No. 1 and 2 does not dispute the aforesaid factual position.

After hearing learned counsel for the parties, we find that the present petition can be disposed of in terms of the order passed by a Division Bench of this Court in Joginder Singh and another's case (supra). The relevant part thereof is extracted below:

> "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 27.9.2012 in Bhag Singh's case (supra) can be hardly denied. In these circumstances, it appears imperative upon respondent Nos. 3 and 4 to consider the petitioners' claim for the grant of solatium

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and interest in accordance with the decision of this Court in Golden Iron and Steel Forgings's case (supra).

While considering the claim of the petitioners in the light of the above-cited decision, the respondents shall be required to follow the recent directions dated 11.8.2016 issued by the Hon'ble Supreme Court in Civil Appeal No. 10533 of 2011 (Sunita Mehra and another versus Union of India and others), to the following effect:-

> ".... that the award of solatium and interest on solatium should be made effective only to proceedings pending on the date of the High Court order in Golden Iron & Steel Forgings vs. Union of India and others, i.e. 28.3.2008. Concluded cases should not be opened. As for future proceedings, the position would be covered by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (came into force on 1.1.2014), which Act has been made applicable to acquisitions under the National Highways Act, 1956 by virtue of notification/order issued under the provisions of the Act of 2013.
>
> With the aforesaid modification and clarification in the order of the High Court, these civil appeals are disposed of....."

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

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(i) The petitioners 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 petitioners' claim for the aforesaid benefits, especially in view of the decisions of this Court and the Hon'ble Supreme Court, cited above;

(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;

(v) The National Highways Authority of India is directed to deposit the amount payable in terms of the supplementary award, in interest-bearing fixed deposit account(s) in any nationalized bank which shall be disbursed subject to attaining finality of the litigation in the Golden Iron and Steel Forgings's case (supra).”

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Let the needful be done in terms of the aforesaid order passed by this Court. The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

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Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No

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