

**CWP No. 16205 of 2017  
and connected matters**

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CWP No. 16205 of 2017  
Date of decision: 17.11.2017**

Harjinder Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

**2 CWP No. 16755 of 2017**

Darshan Singh and another ...Petitioners

Versus

State of Punjab and others ...Respondents

**3. CWP No. 17702 of 2017**

Parvinder Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

**4. CWP No. 20035 of 2017**

Kirpal Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Ms. Nikita Garg, Advocate for  
Mr. Raj Kaushik, Advocate  
for the petitioners.

Mr. Jagmohan Ghuman, DAG, Punjab.

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**ARUN PALLI, J. (Oral):**

These are petitions under Article 226/227 of the Constitution of India praying for a writ in the nature of Mandamus, directing the respondents to award solatium @ 100% as also interest to the petitioners, owing to the acquisition of their land holdings, in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act').

Concededly, land of the petitioners was acquired pursuant to the notification dated 14.2.2008 issued under Section 4 of the Land Acquisition Act, 1894, (for short '1894 Act'), for construction of Nabha Power Thermal Plant, Rajpura, District Patiala. The final declaration under Section 6 of the 1894 Act was published on 4.6.2008. The Land Acquisition Collector, vide award dated 29.8.2008, assessed the market value of the acquired land. The petitioner-landowners were accordingly disbursed the compensation as also all the statutory benefits including solatium @ 30%. Possession of the acquired land was accordingly obtained by the respondent authorities. Concededly, the petitioners never filed any objection under Section 18 of the 1894 Act to the award rendered by the Collector. And as indicated earlier, years have gone by and the acquisition proceedings have since attained finality. And now, after almost a decade, these petitions have been filed claiming solatium @ 100%, in terms of the provision of the 2013 Act.

On being pointedly asked, learned counsel for the petitioners could not show or explain as to how the provisions of the 2013 Act, which was made applicable w.e.f. 1.1.2014, would apply to the present proceedings. Likewise, though a reference is made in the petitions to the

**CWP No. 16205 of 2017  
and connected matters**

decision of the Division Bench of this Court in **M/s. Golden Iron and Steel Forging Vs. Union of India and others, (2011) 4 RCR (Civil) 375** and also the decision of the Supreme Court, dated 11.8.2016 in **Sunita Mehra and others Vs. Union of India (UOI) and others**, but again, learned counsel for the petitioners fails to explain as to how those two decisions would have any bearing on the matter in issue. Suffice it to say that in **M/s. Golden Iron and Steel Forging (supra)**, the Division Bench of this Court had held Section 3J and 3G of the National Highways Act, 1956 (for short '1956 Act'), to be ultra vires of the Constitution, for, these provisions deny payment of solatium and interest to the claimant-landowners, who were compulsorily divested of their holdings under the 1956 Act. Accordingly, it was concluded that in all the acquisitions under the 1956 Act, the claimant-landowners shall have to be awarded solatium and interest, in terms similar to those contained in Section 23(2) and Section 28 of the 1894 Act. Whereas, in **Sunita Mehra and others (supra)**, the Supreme Court clarified that awarding solatium and interest on solatium should be made effective only to the proceedings pending on the date of the High Court order in **M/s. Golden Iron and Steel Forging (supra)**, i.e. 28.3.2008. But as indicated earlier, in the matters at hands, the acquisition proceedings were initiated under the 1894 Act. The compensation, as also all the statutory benefits including solatium, in terms of the award dated 29.8.2008 rendered by the Collector, was duly disbursed to the petitioners. Inasmuch as the award rendered by the Collector was never questioned by the petitioners by filing objections under Section 18 of the 1894 Act. Thus, the acquisition proceedings stood concluded.

**CWP No. 16205 of 2017  
and connected matters**

In the above conspectus, the only and the inevitable conclusion that could be reached; these petitions lack merits as also the bonafides. Therefore, no interference is warranted in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, these petitions are dismissed with costs of ₹5,000/- each, to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Fund Committee.

17.11.2017  
AK Sharma

**(ARUN PALLI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |