

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5888 of 2014 (O&M)

Bhupinder Singh
... Appellant

Versus

Union of India and another
... Respondents

(2)

FAO No.5889 of 2014 (O&M)

Bhalinder Singh
... Appellant

Versus

Union of India and another
... Respondents

(3)

FAO No.5890 of 2014 (O&M)

Balbir Singh
... Appellant

Versus

Union of India and another
... Respondents

(4)

FAO No.5891 of 2014 (O&M)

Manvir Singh @ Vicky
... Appellant

Versus

Union of India and another
... Respondents

(5)

FAO No.5892 of 2014 (O&M)

Gujjar Singh and another

... Appellants

Versus

Union of India and another

... Respondents

(6)

FAO No.10372 of 2014 (O&M)

Savinderjit Kaur (deceased) through her L.Rs.

... Appellants

Versus

Union of India and another

... Respondents

Decided on : 09.01.2017

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

Present : Mr. S.S. Chopra, Advocate
for the appellant (s).

Mr. Ashwani Kumar Bura, Advocate
for the respondent No.1-UI.

G.S. Sandhawalia, J. (Oral)

CM-16332-CII-2014 in FAO-5888-2014 and similar applications in connected cases

Applications for condonation of delay in refiling the appeals
have been filed.

In view of the averments made in the applications, duly
supported by the affidavits, the same are allowed. Delay in refiling the
appeals is condoned.

CMs stand disposed of.

CM-28595-CII-2014 in FAO-10372-2014

Application under Order 22 Rule 2 for impleading the legal representatives of the appellant-Savinderjit Kaur has been filed.

Notice of the application.

In view of the averments made in the application, duly supported by the affidavit, the same is allowed. The applicants mentioned in Paragraph 3 of the application are impleaded as legal representatives of deceased-Savinderjit Kaur for the purpose of this appeal.

CM stands disposed of.

Main cases

The present order shall dispose of six appeals i.e. *FAO Nos.5888, 5889, 5890, 5891, 5892 and 10372 of 2014*.

The present appeals filed by the land owners are directed against the award dated 15.02.2013 by the District Judge, Ludhiana while exercising the power of Arbitrator under the Requisitioning and Acquisition of Immovable Property Act, 1952.

Vide the said award, the appellants who are owners of the land in village Daba and as per the said award have been granted compensation @ ₹ 210/- per square yard of their acquired land. They were also entitled to recover interest @ 7.5% per annum from the date of award till realization of the awarded amount, if the award is not satisfied within six months. The rate by the Arbitrator was fixed on the basis of judgment passed by this Court in *FAO No.269 of 1995 'Dr. Jagdish*

Parkash Vs. The Competent Authority', which was the lead case in the bunch of 390 cases decided on 05.07.2006.

In principle this Court set aside the deduction of 1/3rd which had been granted, since the land pertained to five villages. For village Dholewal whereby ₹ 390/- had been awarded per square yard a cut had been imposed and compensation was assessed at ₹ 260/- per square yard. The same was thus restored to ₹ 390/- per square yard. Resultantly, the benefit of 1/3rd cut was made available to all including the residents of village Daba who had been granted ₹ 210/- per square yard, but on account of 1/3rd cut had been paid compensation of ₹ 140/- per square yard.

The matter stands squarely covered by the judgment of the Apex Court in ***Civil Appeal No.1052 of 2014 'Union of India Vs. Vidya Rani and another'*** decided on 29.01.2014, which was preferred by the land owners against the judgment of this Court dated 05.07.2006 passed in ***FAO No.269 of 1995 'Dr. Jagdish Parkash Vs. The Competent Authority'***. The Apex Court clarified that the land owners would 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 appeals are disposed of in the same terms and appellants are also entitled for the same benefits.

JANUARY 09, 2017

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No