

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

CWP No.14708 of 2012

Date of Decision:15.01.2018

Rajiv Aggarwal and others

.....Petitioners

Vs.

Union of India and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present:- Mr. Shailendra Jain, Senior Advocate with
Mr. Harman Jivtesh Singh, Advocate for
the petitioners.

Mr. Anil Chawla, Advocate for respondent No.1-
UOI.

Mr. Sunil K. Sahore, Advocate for respondents
No.1 and 2.

Mr. Ankur Mittal, Addl. AG, Haryana.

Mr. N.S. Dhillon, Advocate for Mr. D.P.S. Bajwa,
Advocate for the applicant in CM No.6986 of 2016.

SURYA KANT, J. (Oral)

The three writ petitioners in this case seek a direction for payment of 'solatium' and 'interest' for the acquisition of their land under the National Highways Act, 1956 in accordance with the law laid down by this Court in **Golden Iron and Steel Forging v. Union of India and others, 2011(4) RCR (Civil) 375.** Earlier such like claims were being disposed of with a direction to the National Highway Authority of India to keep the amount in a fixed deposit in a nationalised bank which was to be disbursed after the decision of the Supreme Court in the appeal preferred

by NHAI against the decision of this Court in **Golden Iron Steel's case** (**supra**). The matter has since been disposed of by the Hon'ble Supreme Court and the directions regarding payment of solatium and interest have attained finality.

It further appears that NHAI filed a petition before the Supreme Court seeking transfer of this case along with the matters pending on the same issue. In the said transfer application, NHAI was directed to deposit the amount of interest and solatium to which the petitioners were entitled to. NHAI got such amount determined from the Sub Divisional Officer (Civil)-cum-Land Acquisition Collector and deposited a sum of ₹1,29,67,540/- in the Supreme Court. The transfer application has now been dismissed and the above-mentioned amount has been transferred by the Apex Court in favour of the Registrar General of this Court.

The issue regarding entitlement of the petitioners to seek of 'solatium' and 'interest' is not in dispute. The only question is whether they are entitled to the amount referred to above or more than that. This being a question of fact, it can be effectively determined by the SDO (Civil)-cum-Land Acquisition Collector, Gurugram.

The instant writ petition is thus disposed of with a direction that let the amount of ₹1,29,67,540/- transferred by Hon'ble the Supreme Court in favour of the Registrar General of this Court, be now sent to the SDO (Civil)-cum-Land Acquisition Collector, Gurugram, who in turn, is directed to determine the total entitlement of the petitioners after hearing both the parties. An appropriate order to this effect shall be passed within

three months. The parties are directed to appear before the SDO (Civil)-cum-Land Acquisition Collector, Gurugram on 12.02.2018. Ordered accordingly.

**(SURYA KANT)
JUDGE**

**January 15, 2018
renu**

**(SHEKHER DHAWAN)
JUDGE**