

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

**CWP No.1611 of 2018 (O&M)
Date of Decision:17.04.2018**

M/s Luthra Metal Industries

....Petitioner

Versus

Union of India and others

...Respondents

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

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Satish Singla, Advocate
for respondent No.1-Union of India.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.2.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

Petition has been filed under Article 226/227 of the Constitution of India for issuance of direction to respondent No.2 to pay the solatium and interest from the date of notification along with interest @ 18% in view of the judgment of Division Bench passed in **M/s Golden Iron & Steel Forging Vs. Union of India and others** reported as 2011(4) RCR (Civil) 375.

The case of the petitioner is that he was co-owner in the agricultural land measuring 1 Kanal 4 Marlas situated in Rectangle No.21, Killa No.19 min (0-12) and 22(0-12) in village Malpura, Tehsil & District Rewari. Notification dated 05.01.2009 under Section 3-A for acquisition of land measuring 49 Kanals 3 Marlas for the purposes of widening of six lanning road of the National Highway No.8 was issued

and the notification under Section 3D of the National Highway Act, 1956 was issued on 03.11.2009. The award No.7 dated 26.04.2011 (Annexure P-1) was passed by the competent authority respondent No.3 whereby compensation to the tune of Rs.73.50 lakhs per acre was granted plus 10% under the head of land use which are applicable under Section 3G (2) of the Act.

It is the case of the petitioner that in view of the enforcement of Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, the petitioner was entitled for solatium and interest which has not been paid as per the award. Legal notice dated 11.12.2017 (Annexure P-2) has also been served upon the respondents.

An affidavit was also filed by the petitioner to the extent in pursuance of order dated 12.03.2018 passed by this Court whether any proceedings are pending/decided before the Arbitrator in pursuance of the award. The affidavit dated 19.03.2018 has specified that the petitioner has not raised any claim before the Arbitrator and before the Competent Authority and neither any proceedings are pending/decided before the Arbitrator in pursuance of said award.

Resultantly, this Court is of the opinion that respondent No.3 is under a bounden duty to act on the legal notice dated 11.12.2017 (Annexure P-2) in terms of the judgment of the Division Bench which has been reiterated by another Division Bench in CWP No.3250 of 2017 titled as **Vijay Kumar Vs. The State of Haryana and others** decided on 03.05.2017 after keeping in view the judgment of the Apex Court in **Sunita Mehra and another Vs. Union of India and others**, 2016(8)

Scale 582.

Accordingly, writ petition is disposed of by directing the respondent No.3 to decide the legal notice and the said competent authority will issue notice and call for the records/reply from the National Highway Authority of India for determining the claims in view of the decisions of this Court and the Apex Court. In case, the petitioner is entitled, supplementary award shall be passed within a period of 3 months from the receipt of the certified copy.

Accordingly, writ petition is disposed of.

17.04.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No