

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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C.W.P No. 22877 of 2018

Date of decision: 10.09.2018

Jaswant Kaur & Anr.

... Petitioners

Vs.

Union of India & Ors.

...Respondents

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

Present: Mr. Satbir Rathore, Advocate, for the petitioners.

Mr. Ishpuneet Singh, Advocate, for respondent No.2.

Mr. P.S. Bajwa, Addl. A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

Petitioner has filed the writ petition under Article 226/227 of the Constitution of India for grant of solatium and interest in view of the decision of Division Bench in *M/s Golden Iron and Steel Forgings Vs. Union of India & Ors., 2011(4) RCR (Civil) 375.*

Notice of motion.

Mr. Ishpuneet Singh, Advocate on behalf of respondent No.2 and Mr. P.S. Bajwa, Addl. A.G., Punjab, on behalf of respondent No.3 accept notice. Copy supplied.

Counsel for the petitioner at the outset submits that against award dated 28.01.2009 (Annexure P-1) passed by the Arbitrator under the National Highways Act, 1956 similarly situated landowners have been relegated to the remedy before the respondent No.3 in view of the fact that earlier persons have been relegated in the same manner. Reliance has been placed upon the decision of this Court in CWP No. 1966 of 2018 titled as

Gurdial Singh Vs. Union of India and others passed on 26.07.2018

(Annexure P-4) in this context. The relevant portion reads as under:-

“Counsels for both sides also do not dispute that similarly situated landowners, pertaining to the same acquisition are affected and some of the 629 affected persons have also been relegated to the competent authority, by this Court vide various orders, including orders passed in CWP-25846-2016 titled Joginder Singh & another Vs. Union of India & Others, decided on 14.12.2016 (Annexure P-8).

Resultantly, this Court is of the opinion that it would be appropriate, in such circumstances, to relegate the petitioners to their remedy before the competent authority-cum-Land Acquisition Collector, so that the interest of both the sides are protected, regarding their right of appeal etc., and in view of the fact that in other connected matters, similar orders have been passed. Accordingly, the present writ petition are disposed of, in the following terms:-

- 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 the said relief, 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. In case the petitioners are found entitled to be disbursed the requisite amount on pronouncement of the supplementary award, the same shall be paid not later than 2 months from the date of pronouncement of the award.”

Keeping in view the above facts, present writ petition is also disposed of in the above said terms without calling upon the reply from the other side. It is, however, made clear that in case, any factual discrepancy would arise, it is always open to respondent – NHAI to file an application for clarification.

The writ petition is disposed of.

September 10, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No