

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4787 of 2018

Date of Decision: 15.11.2018

Chander Pal

... Petitioner

VS.

Union of India & Ors.

... Respondents

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

Present: Mr. Satbir Rathore, Advocate for the petitioner(s)

Mr. Rishi Kaushal, Advocate;
for respondents No.1&2-NHAI

Mr. Ayush Sarna, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

The petitioner has filed the writ petition under Article 226/227 of the Constitution of India and seeks the benefit of *solatium* and interest in view of the judgment of the Division Bench in **M/s Golden Iron and Steel Forgings Vs. Union of India and others, 2011 (4) RCR (Civil) 375.** The land of the petitioner measuring 30 marlas falling in village Musahibpur, Tehsil Mukerian, District Hoshiarpur was acquired for the purposes of widening of Jalandhar Pathankot National Highway under the National Highway Authority Act, 1956 (in short, the Act).

It is argued that the notification under Section 3A of the Act was issued on 24.12.2004 and the award was passed on 14.12.2007. The matter was taken to the Arbitrator who passed the award on 25.01.2011 (P1). It is the case of the petitioner that he has not received the enhanced compensation amount so far.

Counsel for the petitioner submits that in similar circumstances, this Court in **CWP No.20024 of 2018 titled as Kulbhushan Singh & Anr. vs.**

Union of India & Ors. decided on 14.11.2018, the issue has already been discussed threadbare and the benefits have been granted.

Accordingly, the present writ petition is allowed in terms of **Kulbhushan Singh & Anr.** case (supra). It is made clear that the benefit of interest as such shall not be granted from 25.01.2011 as the petition in the present case has been filed on 26.02.2018 and there is a delay of 7 years in approaching this Court.

Ordered accordingly.

15.11.2018

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(G.S. Sandhawalia)

Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No