

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

114

**CWP No.9401 of 2019 (O&M)
Date of Decision:23.05.2019**

Gurnam Singh and another

...Petitioners

Versus

Union of India and others

....Respondents

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

Present: Mr. R.K. Arya, Advocate
for the petitioners.

G.S. SANDHAWALIA, J. (ORAL)

CM-8287-CWP-2019

Application for placing on record application filed by the petitioner before the Arbitrator as Annexure P-5 is allowed, subject to all just exceptions. The same is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

CWP No.9401 of 2019

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of direction to respondents No.1 to 3 for relief of solatium and interest in terms of the judgment passed by Division Bench in **M/s Golden Iron and Steel Forgings Vs. Union of India and others, 2011(4) RCR (Civil) 375.**

The acquisition under the National Highways Act, 1956 (for short 'the Act') took place by virtue of notification dated 13.05.2009 and thereafter award was passed on 24.12.2009. Against the said award, the petitioners admittedly have filed an application (Annexure P-5) before the

Commissioner, Jalandhar Division, Jalandhar claiming the interest and solatium etc. The relevant portion of the claim petition reads as under:

“2.xxxxxxxxxxxxxxxxxxxxxxx

The Land Acquisition Authority has assessed the value of Chahi land @ Rs.9375. Aggrieved by the said award applicants is making reference to the arbitrator appointed by the Central Government as provided U/S. 3(5) of the National Highways Act for determining the quantum/valuation, market price, solatium, enhanced compensation and other benefits as provided under the National Highways Act and Rules framed there.

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10. The applicants is also entitled to interest @ 18% p.a. on the enhanced compensation amount from the date of notification till realization of enhanced amount.”

Once the petitioners have already approached the Arbitrator for necessary relief, the present writ petition on the same cause of action would not be maintainable.

Faced with this situation, counsel does not press the writ petition and prays for liberty to agitate his grievances before the Arbitrator to whom he has already approached.

Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

23.05.2019
pvd

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