

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Date of Decision: July 03, 2019

1) CWP-11521-2019 (O&M)

Partap Singh

... Petitioner

Versus

National Highway Authority of India and others

.... Respondents

2) CWP-11578-2019 (O&M)

Partap Singh

... Petitioner

Versus

National Highway Authority of India and others

.... Respondents

3) CWP-11584-2019 (O&M)

Partap Singh

... Petitioner

Versus

National Highway Authority of India and others

.... Respondents

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

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

G.S.Sandhawalia, J. (Oral)

Applications for placing on record

Applications have been filed for placing on record the copy of the applications under Section 34(2) of the Arbitration & Conciliation Act against the order dated 05/18.02.2016 (Annexure P/4).

Accordingly, in view of the averments made in the applications, duly supported by affidavits, same are allowed. Annexures P/4 are taken on record.

CMs stand disposed of.

Main cases

Prayer has been made for grant of solatium and interest in view of award passed under the National Highway Act, 1956.

As per the applications (Annexure P/4) filed before the District Judge, Faridabad, which have now been placed on record in view of the earlier order dated 15.05.2019, the claim for the said benefit had already been made. Prayer clause made in the application filed before the District Judge, reads as under:-

“PRAYER:

10. It is, therefore, most humbly prayed that in view of the above grounds, the appeal may kindly be accepted, the impugned order dated 5.2.2016 of learned Arbitrator may kindly be modified, thereby enhancing the compensation of the land acquired from Rs.68,63,000/- per acre to Rs. 2,00,00,000/- per acre (or Rs. 40,000/- per sq. yard as the case may be) along with solatium with interest and other statutory benefits and compensation of 10% as applicable u/s 3G(2) of the National Highway Act, 1956”.

Similar prayer is also made in the present writ petition which reads as under:-

“i) issue a writ to summon the record pertaining to the impugned award dated 05.02.2016 (Annexure P/1) and impugned short award dated 05.02.2016 (Annexure P/2) and a writ in the nature of mandamus directing the respondents to pay/release the solatium and interest thereon from the date of notification till its realization in view of the judgment passed by the Hon'ble Court in the judgment reported as 2011(4) RCR Civil, 375 and CWP No. 17010 of 2017 (Annexure P/3), whereby the benefits

of solatium and interest in terms of the above cited decisions, were extended to similarly situated land owners.”

Faced with this situation, counsel does not press all the three afore-mentioned writ petitions as the same benefit cannot be sought before two Courts.

Accordingly, all the three afore-mentioned writ petitions stand dismissed as withdrawn with liberty to pursue the remedy before the District Judge, Faridabad.

July 03, 2019
vkd

(G.S. Sandhawalia)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No