

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

**Civil Writ Petition No.30955 of 2018
Decided on : 11.03.2019**

Rakesh Kumar

... Petitioner

Versus

Union of India and others

... Respondents

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

Present : Mr. Dinesh Mahajan, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226/227 of the Constitution of India the petitioner is seeking the benefit of sum of solatium alongwith interest in view of the judgment of the Division Bench passed in **M/s Golden Iron & Steel Forging Vs. Union of India and others' 2011 (4) RCR (Civil) 375.**

In compliance of the order dated 07.12.2018, photocopy of the petition filed before the Arbitrator has been placed on record.

The Award was passed on 13.04.2010 (Annexure P-1) and 26.10.2012 (Annexure P-2) wherein 5 kanals 11 marlas and 1 kanal 6 marlas of land have been acquired under the National Highways Act, 1956. The said Awards are subject matter of challenge before the Statutory Arbitrator. In the petition filed apart from enhancement of compensation, the petitioner is also aggrieved against the non-grant of solatium and interest. The paragraph Nos.8 & 10 of the petition filed before the Arbitrator read as under:-

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“8. The applicant was/is emotionally/sentimentally attached his land. Due to compulsory acquisition his feelings have been badly injured, hence the applicant is entitled for compensation on account of solatium.

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

Thus, it is apparent that the petitioner has already resorted to his remedy for the same relief before a Court of competent jurisdiction. Once there is an alternative remedy provided in view of the law laid down by the Apex Court in **United Bank of India vs. Satyawati Tandon & Ors. (2010) 8 SCC 110**, the present writ petition as such would not be maintainable, moreso when the solatium percentage is based on the market value which has yet to be fixed.

Faced with this situation, counsel submits that he would not press the present writ petition and prays for liberty to press for the above said relief before the Statutory Arbitrator, where the petition is already pending.

Accordingly, the present writ petition is dismissed as not pressed with the aforesaid liberty.

MARCH 11, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No