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

CWP-9431-2021

Date of decision : 04.05.2021

ASM Real Estate and Builders (I) Ltd.

...Petitioner

Versus

Union of India and others

...Respondents

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

Present: Mr. Ranjit Saini, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India. The limited relief sought is that the respondents be directed to grant 100% solatium alongwith interest to the petitioner as per provisions of Section 30 and The First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land acquired under the National Highways Act, 1956 in view of letters dated 05.06.2015 (Annexure P-2) & 03.02.2016 (Annexure P-3).

The claim is based on the guidelines/letter dated 28.12.2017 (Annexure P-4) issued by the Ministry of Road Transport and Highways regarding the grant of benefit of Act of 2013 to the landowners.

In short, the stand of the petitioner is that their land measuring 24 kanals, details of which has been given in para 2 of the writ petition, was acquired by NHAI vide Notification dated 05.07.2013 for public purpose namely for the four laning of the National Highway No.15 of in District Amritsar from 112.575 to Km 116.650 (Asr-III). The award dated 10.10.2014 was passed by respondent No.3 (Annexure P-1), whereby solatium at 30% was granted alongwith other statutory benefits. The grouse thus is that in view of the abovesaid letter/guidelines, the solatium has to be granted at 100% alongwith interest.

Counsel submits that the award dated 10.10.2014 was passed by respondent No.3 (Annexure P-1), whereby solatium at 30% was granted. and the legal notice dated 05.01.2021 (Annexure P-6) has already been served to the respondents and the amount was only paid to the petitioner on 13.05.2015 (Annexure P-5) and, therefore, the petitioner is entitled for the benefit of 100% solatium, plus interest.

Notice of motion.

Mr. Sunil K. Sharma, Advocate accepts notice on behalf of respondent Nos.1 and 2. Ms. Simran Grewal, AAG, Punjab accepts notice on behalf of respondent No.3.

Keeping in view the controversy involved, since decision making is incomplete on the legal notice, there is no requirement as such to call upon for reply on behalf of the respondents as it would delay the proceedings further.

Without commenting upon the merits of the case and entitlement of the petitioner, the present writ petition is disposed of with

direction to respondent No.3 to take a decision on the legal notice dated 05.01.2021 (Annexure P-6) and pass speaking order within a period of two months from the date of receipt of certified copy of the order by associating respondent Nos.1 and 2 with the said process.

In case, the petitioner's case is covered under the abovesaid guidelines/letter 28.12.2017 (Annexure P-4), necessary award shall be passed and the amount if so payable, the same be disbursed to the petitioner within a period of three months thereafter. It is open to the respondent No.3 to reject the case in case there is any legal impediment and speaking order can accordingly be passed in that case.

The writ petition is accordingly, disposed of.

04.05.2021

Pawan

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**