

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

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**CR-5112-2022(O&M)
Date of decision: 11.11.2022**

UNION OF INDIA

..Petitioner

Versus

KARTAR CHAND (DECEASED) THROUGH HIS LR ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Kumar Sharma, Advocate
 for the petitioner.

ANIL KSHETARPAL, J(Oral)

The dispute is with regard to the entitlement of the landlord to interest on the amount of solatium payable under Section 23(2) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'). The learned counsel representing the petitioner submits that the Court while awarding the amount did not specify that the landowners shall be entitled to the interest on the amount of solatium in accordance with Section 34 of the 1894 Act. Section 23(1) uses the expression 'market value', whereas, Section 28 uses the expression 'compensation'. In other words, the word 'compensation' would include the amount of solatium which is paid on account of compulsory acquisition of the land. The amount under this head is payable on account of acquisition of the land by the Union of India against the wishes of the owners. Once, no specific order denying the statutory amount of interest to the respondents has been passed, the direction of Executing Court does not suffer from any error. Section 34 of the 1894 Act provides that the interest at the prescribed rates is payable on the amount of compensation.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 11th, 2022

(ANIL KSHETARPAL)
JUDGE

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>