

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

CWP-10930-2022

DATE OF DECISION: 14.07.2023

SHIV DUTT

...PETITIONER

VS.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manoj Kaushik, Advocate
for the petitioner.

Mr. R.S. Madan, Advocate
for respondent No.2-NHAI.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana
for respondent Nos.3 and 4.

HARKESH MANUJA J. (ORAL)

By way of present writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to grant statutory benefits as prescribed under Sections 23(1-A), 23(2) & 28 of the Land Acquisition Act, 1894 (for short 'the Act') on account of acquisition of the land owned by the petitioner, situated in the revenue estate of village Bhulwana, Tehsil Hodal District Palwal, Haryana, vide notification dated 04.05.2010 (Annexure P-1) issued under Section 3A of National Highways Act, 1956 (hereinafter referred to as the '1956 Act') followed by an award dated 26.04.2012 (Annexure P-3), for widening of National Highway-2 (Delhi-Agra stretch).

2. In its written statement, respondent No.2 has mainly objected

on the ground of delay and laches, besides, the petitioner not having invoked the statutory alternate remedy of Section 3G(5) of the '1956 Act'.

3. In support of the relief sought in the present petition, learned counsel for the petitioner relies upon a Division Bench Judgment dated 12.04.2023 passed by this Court in ***LPA No.4965 of 2018*** titled as ***National Highways Authority of India Vs. Resham Singh and Ors.***, wherein, similar issues have been dealt with & relief has been awarded in favour of similarly situated landowners. The operated para No.113 to 116 of the said judgment are reproduced hereinbelow:

“113. Without approaching the arbitrator under section 3G(5) of the National Highways Act, 1956, the landowners have filed writ petitions in 2019 seeking relief of solatium and interest under section 23(2) and section 28 of the Land Acquisition Act, 1894 apart from additional market value under section 23(1-A) of the said Act.

114. For the reasons given by us under point (a), the landowners are not entitled to additional market value under section 23(1-A) of the said Act and are only entitled to solatium and interest under sections 23(2) and Section 28 of the Land Acquisition Act, 1894.

115. But they are not entitled to interest for the period of delay in approaching this Court i.e. in CWP-18775-2019 and in CWP-18799-2019 from 29.05.2009 till the date of filing of the writ petitions and in CWP-14487-2019 and CWP-25229-2019, from the date of passing of the award by the competent authority till the date of filing of the said writ petitions.

116. However we hold that they are also entitled to interest from the date of filing of the writ petition till the date of payment and the NHAI shall also pay the landowners costs of 10,000/- within 4 weeks.”

4. Learned counsel for respondent No.2, which is the contesting one, in the present case, has not been able to controvert the proposition of law laid down by this Court in the aforementioned Division Bench judgment, wherein, the landowners have been held entitled for grant of benefit under Sections 23(2) & 28 of the Land Acquisition Act, 1894, in

pursuance to the acquisition of their lands under the provisions of ‘1956 Act’, though the benefit of grant of interest has been denied for the period of delay in approaching this Court.

5. In view of the above, the controversy in the present writ petition being squarely covered by the decision dated 12.04.2023 passed in LPA No.4965 of 2018, the same is ordered to be disposed of in the same terms, especially, in view of the relevant paragraphs reproduced hereinabove.

6. Pending applications, if any, also stand disposed of.

14.07.2023
manisha

(HARKESH MANUJA)
JUDGE

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