

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3235-2016 (O&M) and
other connected cases
Reserved on 12.02.2024
Date of decision: 28.02.2024

MAHAVIR AND OTHERS

..Petitioners

Versus

CENTRAL GOVT. OF INDIA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Punchhi, Advocate
for the petitioners (in revision petitions).

Mr. B.S. Bedi, Advocate
for the non-applicant/petitioners (in review applications).

Mr. Vibhor Bansal, Advocate for Union of India.

ANIL KSHETARPAL, J.

1. With the consent of the learned counsel representing the parties, a batch of as many as 13 review applications and 15 civil revision petitions (details whereof are at the foot of the judgment) involving identical issue shall stand disposed of by this common order.

2. The common issue which requires adjudication is “in absence of specific directions by the Court to the effect that interest on the amount of solatium payable on the market value of the acquired land before 19.09.2001, the date of judgment in **Sundar Vs Union of India, (2001) 7 SCC 211**, whether the landowners of the acquired land are entitled to the same”. In fact as many as 13 revision petitions were allowed on 18.08.2022, while relying upon the judgment passed in **Civil Appeal No.7034-7037 of 2015, titled as “M/s Periyar and Pareekanni Rubbers LTD. versus State of Kerala”, decided on 14.12.2018**. However, the learned counsel representing

the parties did not bring to the notice of the Court that the identical issue

arising between the various landowners of the same acquisition has already been decided by the Hon'ble Supreme Court in **Central Government of India versus Raj Devi @ Raj Kumari and others, Civil Appeal No.4623 of 2021, decided on 05.08.2021.**

3. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

4. A large tract of land falling in village Ahamadpur, Tehsil and District Sirsa, was sought to be acquired for Air Force by notification under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "1894 Act"), dated 17.02.1990 and 12.03.1990. The Land Acquisition Collector, Sirsa, announced the award on 30.06.1990. Various applications filed by the landowners under Section 18 of the 1894 Act were decided by the Additional District Judge on 02.08.1995, while enhancing the market value of the acquired land. It was held that the landowners shall be entitled to statutory benefits under Section 23(1A), 23(2) and 28 of the amended Land Acquisition Act, 1894.

5. The Single Bench of the High Court jointly disposed of a batch of regular first appeals on 17.12.1998, wherein, again the landowners were held entitled to benefits under Section 23(1a), 23(2), and 28 of the 1894 Act. Letter Patent Appeals filed by the landowners as well as Union of India were dismissed, which were further upheld by the Supreme Court on 26.02.2009.

6. Execution petitions in order to recover the enhanced compensation are pending. It is not in dispute that the landowners have already been paid interest on the amount of solatium from 19.09.2001, that is the date of judgment in **Sundar's case (supra)**. As already noticed, in one

of the execution petitions, the matter was considered by the Supreme Court and civil appeals filed by Union of India were allowed with the following observations:-

“As far as the Award passed is concerned, it is clear that interest is not seen granted on solatium. What is granted is only solatium. Moving on to the judgment of the High Court in appeal carried by the 1st respondent, therein also, it is clear beyond the shadow of any doubt that the High Court has not granted interest on solatium. What is seen granted by the High Court is the benefit under Section 23(2) among other statutory benefits. We are unable to find reference to interest on solatium. Therefore, this would be a case which must be dealt with in terms of the declaration of law made in Gurpreet Singh supra.

Shri J. S. Thind, learned counsel for the 1st respondent, would, however, try to persuade us to support the decision of the High Court by pointing out that as found by the High Court in the impugned judgment, Government of India failed in the special leave petition carried against the judgment of the High Court which also arose from execution proceedings in the case of Central Government of India v. Bakhta & Another etc. which also arose from the same Award.

We have perused the order which is relied on by the learned counsel for the respondent. It is true that the special leave petition carried by the appellant was dismissed. However, what is pertinent to note is what was the issue which was involved in the said case. In a batch of matters, the Executing Court in the said case had awarded interest on solatium from the date of the judgment in Sunder supra. It was this order which was upheld by the High Court by its judgment dated 25.01.2013. We may only notice paragraph 6 of the said judgment:

“6. In view of the legal proposition enunciated in these authorities, Court of Reference/Executing Court was perfectly justified in allowing the interest on the solatium with effect from September 19th, 2001 in execution proceedings.”

It is this order which was the subject matter of the special leave petition before this Court which came to be dismissed. In other words, this was the case where the Executing Court had applied the principle in Gurpreet Singh supra and granted interest on solatium from the date of the judgment in Sunder viz., 19-09-2001 in the

execution proceeding. We are unable to comprehend as to how this judgment can come to the rescue of the respondent. We are, therefore, of the clear view that the appeal is to be allowed. Accordingly, we allow the appeal. Impugned order will stand set aside. The order which was impugned before the High Court will stand set aside and it is ordered that the 1st respondent will be entitled to interest on solatium from the date of Sunder (supra) viz. 19-9-2001.

No orders as to costs.”

7. As already noticed, though the judgment was passed by the Supreme Court on 05.08.2021, however, this fact was not brought to the notice of this Court when the matters were decided on 18.08.2022.

8. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with the various judgments cited during the course of hearing.

9. The learned counsel representing the former landowners contends that a judgment passed by the supreme Court cannot be a ground to review the judgment. He relies upon the order passed by the Supreme Court in **Review Petition (C) No.1620 of 2023 in Civil Appeal No.1661 of 2020, titled as “Sanjay Kumar Agarwal versus State Income Tax Officer and another”, decided on 31.10.2023.** This Court has carefully read the judgment. It is evident that the Supreme Court held that if there is a subsequent judgment on the issue, the review application is not maintainable. However, the position in this case is different. Hence, with the highest respect, the judgment passed in **Sanjay Kumar Agarwal's case (supra)** is not applicable.

10. In this case, all the cases filed by the landowners were disposed of by passing common judgments by the Reference Court, Single Judge Bench of the High Court, Letter Patent Bench of the High Court as well as

the Supreme Court. Hence, one set of landowners cannot be held entitled to the interest on the amount of solatium, particularly when the Supreme Court has finally concluded in **Raj Devi @ Raj Kumari's case (supra)**, that some of the landowners of the same acquisition are not entitled to the interest on the amount of solatium before 19.09.2001. In these cases, it would not be appropriate to award the amount of interest different from the amount of interest directing to paid by the Supreme Court to similarly situated another set of landowners.

11. Keeping in view the aforesaid discussion, all the 13 review applications are allowed.

Civil Revisions

12. With the consent of the learned counsel representing the parties, the revision petitions have been taken up on board for final disposal.

13. In this case, the Executing Court has held that interest on the amount of solatium on the market value of the acquired land has already been paid w.e.f 19.09.2001, and the former landowners are not entitled to interest before 19.09.2001. In view of the judgment passed in **Raj Devi @ Raj Kumari's case (supra)**, which arises from same acquisition. Hence, all the revision petitions are dismissed.

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

February 28th, 2024

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(ANIL KSHETARPAL)
JUDGE

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

Sr. No.	Case No.	Petitioners/Review applicants	Respondents
1	CR-3235-2016	MAHAVIR AND OTHERS	CENTRAL GOVT OF INDIA AND ANR
2	CR-3255-2016	NAR SINGH AND ORS.	CENTRAL GOVT OF INDIA AND ANR
3	CR-3253-2016	SAHAB RAM	CENTRAL GOVT OF INDIA AND ANR
4	CR-5100-2016	RAM KISHAN (DECEASED) THROUGH LRS & ORS	CENTRAL GOVT OF INDIA & ANR
5	CR-6236-2016	CHANDU RAM (DECEASED) THROUGH LRS & ORS	CENTRAL GOVT OF INDIA AND ANR
6	CR-4618-2016	MAYA BAI	CENTRAL GOVT OF INDIA & ANR
7	CR-4405-2016	SAHAB RAM (DECEASED) THROUGH LRS & ORS	CENTRAL GOVT OF INDIA & ANR
8	CR-4623-2016	HARI SINGH	CENTRAL GOVT. OF INDIA AND ORS.
9	CR-4407-2016	MANAK RAM (DECEASED) THROUGH LRS & ANR.	CENTRAL GOVT. OF INDIA AND ORS.
10	CR-4633-2016	BANWARI LAL(DECEASED) THROUGH LRS & ORS.	CENTRAL GOVT OF INDIA AND ANR
11	CR-4403-2016	OM PARKASH & ORS	CENTRAL GOVT OF INDIA & ANR
12	CR-4626-2016	KRISHAN KUMAR (DECEASED) THROUGH LRS & ANR	CENTRAL GOVT OF INDIA & ANR
13	CR-3236-2016	MALLI DEVI (DECEASED)	CENTRAL GOVT OF INDIA AND ANR

		THROUGH LRS & ORS.	
14	CR-3252-2016	MODU RAM AND ORS	CENTRAL GOVT OF INDIA AND ANR
15	CR-3259-2016	GANDHI RAM (DECEASED) THROUGH LRS & ORS.	CENTRAL GOVT OF INDIA AND ORS.
16	RA-CR-117- 2022 (O&M) in CR-2992-2016	DES RAJ	CENTRAL GOVERNMENT OF INDIA AND ANR
17	RA-CR-118- 2022 (O&M) in CR-2991-2016	SOHAN LAL (DECEASED) THROUGH LRS AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
18	RA-CR-124- 2022 (O&M) in CR-2928-2016	HANS RAJ AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
19	RA-CR-125- 2022 (O&M) in CR-3616-2016	HANS RAJ AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
20	RA-CR-126- 2022 (O&M) in CR-2988-2016	JAI CHAND	CENTRAL GOVERNMENT OF INDIA AND ANR
21	RA-CR-127- 2022 (O&M) in CR-2994-2016	HARKISHAN LAL	CENTRAL GOVERNMENT OF INDIA AND ANR
22	RA-CR-128- 2022 (O&M) in CR-2929-2016	GURRAN DITTA (DECEASED) THROUGH LRS AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
23	RA-CR-119- 2022 (O&M) in CR-3614-2016	LAL SINGH (DECEASED) THROUGH LRS AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR

24	RA-CR-120-2022 (O&M) in CR-2989-2016	HARI SINGH	CENTRAL GOVERNMENT OF INDIA AND ANR
25	RA-CR-121-2022 (O&M) in CR-2993-2016	DES RAM @ DES RAJ	CENTRAL GOVERNMENT OF INDIA AND ANR
26	RA-CR-122-2022 (O&M) in CR-3038-2016	RAM RIKH (DECEASED) THROUGH LRS AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
27	RA-CR-123-2022 (O&M) in CR-3615-2016	HANS RAJ AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR
28	RA-CR-129-2022 (O&M) in CR-3617-2016	BAKHTA (DECEASED) THROUGH LRS AND OTHERS	CENTRAL GOVERNMENT OF INDIA AND ANR

February 28th, 2024

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(ANIL KSHETARPAL)
JUDGE