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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-918-1990 (O&M)
Date of decision: 19.03.2024

UNION OF INDIA AND ANOTHER ...Appellants

Versus

DEPUTY COMMISSIONER, U.T. CHANDIGARH AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arun Gosain, Sr. Govt. Counsel,
for the UOI-appellants.

Mr. Jai Vir Yadav, Sr. Advocate with
Ms. Parul, Advocate and
Mr. D.L.Sharma, Advocate,
for the respondents No.2, 5, 7, 10 to 13, 16, 18, 20, 25 and 40
to 42.

RAJBIR SEHRAWAT, J. (Oral)

CM-3276-CII-2020

1. Allowed as prayed for, subject to all just exceptions.

Annexure A-1 is taken on record.

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2. The present appeal has been filed challenging the Award dated
23.03.1990 passed by the Arbitrator-cum-District & Sessions Judge,
Chandigarh, vide which solatium and interest has been awarded to the
respondents.

3. The facts as available on record are that the land measuring
342 kanals 16 marlas was requisitioned in the year 1964. Subsequently, the

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same was acquired on 08.03.1973. Although, the private respondents had requested for referring the matter to the Arbitrator for re-determining the compensation of the land acquired by the Government for the use of Defence Authorities, however, the Arbitrator was actually appointed on 19.09.1988. The Arbitrator awarded the compensation @ Rs.58,000/- per acre. Besides the value compensation, the Arbitrator also awarded solatium @ 30 per cent and interest @ 9% per annum for the first year of the acquisition as possession was already with the Union of India and @ 15% per annum thereafter till realization. Challenging the said Award, the present appeal has been filed.

4. Arguing the case, counsel for the appellants has submitted that since the acquisition was under the Requisitioning and Acquisition of Immovable Property Act, and there is no provision for the grant of solatium under the said Act, therefore, the private respondents-land owners could not have been granted the solatium and interest, as could be awarded under a different Act, namely, Land Acquisition Act. Counsel for the appellants has further submitted that the Arbitrator had relied upon the judgment rendered in case of 'Union of India Vs. Amar Singh and others'. However, the said case was ultimately taken to the Hon'ble Supreme Court in appeal bearing SLP No.11873-74 of 1989 wherein the Hon'ble Supreme Court, vide order dated 01.12.1994, had declined the benefit of solatium and interest in the case of Amar Singh (supra). Hence, the private respondents-land owners are not entitled to the said benefits. To the same effect, counsel for the appellants has relied upon the judgment rendered by the Hon'ble Supreme Court in 'Union of India Vs. Hari Krishan Khosla

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(1993) Supp. 2 SCC 149.

5. On the other hand, learned Senior Counsel for respondents No.2, 5, 7, 10 to 13, 16, 18, 20, 25 and 40 to 42-land owners has submitted that the solatium and interest have rightly been granted by the Arbitrator. Even in the case of **Hari Krishan Khosla (supra)**, the Hon'ble Supreme Court had upheld the grant of solatium and interest in those cases wherein the Arbitrator was appointed after a significant delay. To the same effect, the Hon'ble Supreme Court has pronounced the judgments in the cases of **Dilawar Singh and others etc.** Vs. **Union of India and others** 2012(3) RCR (Civil) 16 and **Defence Estate Officer** Vs. **Syed Abdul Saleem and others** 2015(2) R.C.R. (Civil) 1048. Hence, the present appeal deserves to be dismissed.

6. Having heard learned counsel for the parties and having perused the record, this Court finds that the property involved in the present case was requisitioned by the appellants in the year 1964. Thereafter, the land was actually acquired on 08.03.1973. The Arbitrator was appointed in the matter on 19.09.1988. Therefore, there has been an extreme protraction of the entire process by the appellant-authorities. Hence, the case of the private respondents-land owners is squarely covered by the judgments rendered by the Hon'ble Supreme Court in **Dilawar Singh and others (supra)** and **Defence Estate Officer (supra)**, as well as, by the proposition of law laid down by the Hon'ble Supreme Court in the case of **Hari Krishan Khosla (supra)**. Since the respondents have been granted the benefits only in accordance with the law enunciated in the above-said judgments of the Hon'ble Supreme Court, therefore, this Court

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does not find any ground to interfere in the matter.

- 7. Accordingly, the present appeal is dismissed with costs.
- 8. Pending application, if any, shall stand disposed of.

19.03.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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