2024:PHHC:089084-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(Sr. No. 108)

LPA No.1463 of 2023 (O&M)
Date of decision: 16.05.2024

National Highway Authority of India

..... Appellant

Versus

Shiv Dutt and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present **:** Mr. Mayank Aggarwal, Advocate for the appellant.

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DEEPAK SIBAL, J. (*Oral*)

(1) The present intra court appeal arises out of the judgment dated 14.07.2023 passed by a learned Single Judge of this Court disposing of respondent No.1's writ petition through which he had sought issuance of directions to grant him statutory benefits as prescribed under Sections 23 (1-A), 23(2) & 28 of the Land Acquisition Act, 1894 on account of acquisition of his land situated in revenue estate of village Bhulwana, Tehsil Hodal, District Palwal, Haryana.

(2) A perusal of the impugned judgment reveals that the learned Single Judge has disposed of respondent No.1's writ petition in terms of the following observations made by a Coordinate Bench through its judgment dated 12.04.2023 passed in ***LPA No.4965 of 2018*** titled as ***National Highway Authority of India Vs. Resham Singh and others*** : -

> *"113. Without approaching the arbitrator under section 3G(5) of the National Highways Act, 1956, the landowners have filed writ*

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Chandigarh

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."

(3) Learned counsel for the appellant neither before the learned Single Judge nor before us is able to controvert the afore proposition of law laid down by the Coordinate Bench.

(4) In the light of the above, we find no error, factual or legal, in the impugned judgment.

(5) Dismissed.

(6) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

16.05.2024 **(DEEPAK MANCHANDA)**
sunil yadav **JUDGE**

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

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