

2024:PHHC:029595
**134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5519-2022 (O&M)
Date of decision: 29.02.2024

Punjab State through Collector and others
....Petitioners

Versus

Satya Devi (deceased) through her LR
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kanav Singla, AAG, Punjab
Mr. Munish Puri, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed by the State of Punjab to challenge the correctness of the order dated 16.07.2022 passed by the Executing Court. The dispute is with regard to the liability to pay the amount of solatium at the rate of 30% of the market value of the acquired land. The State of Punjab claims that the amount of solatium at the rate of 30% of the market value has already been paid. The Executing Court has held that the amount of solatium at the rate of 30% was awarded, in addition to the awarded amount and interest. As per the provisions of the amended Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') three major components form a part of the total amount payable to the landowners. The first component is the compensation of the acquired land, which is assessed on the basis of the six factors specified in Section 23(1) of the '1894 Act'. The second component is the additional amount payable under Section 23(1-A). The aforesaid additional amount is paid at the rate of 12% per annum of the

market value for the period commencing on or from the date of publication of the notification under Section 4 of the 1894 Act in respect of such land to the date of award of the Collector or the date of taking possession of the land, whichever is earlier. This amount under Section 23(1-A) is awarded in addition to the market value. The third component that decides the amount of total compensation is the amount of solatium payable under Section 23(2) of the '1894 Act'. This amount is calculated on the basis of the market value of the acquired land.

2. Keeping in view the aforesaid facts, the revision petition is disposed of with liberty to the petitioners to file an application before the Executing Court explaining the total amount, which has already been paid and the manner in which it has been calculated. Thereafter, the Executing Court shall proceed to determine the deficiency in the total amount, if any, to be paid by the State of Punjab.

3. Disposed of.

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

29.02.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE