

2025:PHHC:085998



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

**CWP-11501-2018 (O&M)
Decided on:-15.07.2025**

Rita Kalra

....Petitioner..

vs.

Competent Authority, NH-2-cum-Land Acquisition
Officer, Faridabad and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sudhanshu Makkar, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. R.S. Madan, Advocate (thr. V.C.) and
Mr. D.K. Prajapat, Advocate,
for respondents No.2 & 3.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, prayer has been made for setting aside of an order dated 06.04.2018 (Annexure P-4) passed by respondent No.1, whereby, the claim of the petitioner with respect to grant of solatium and interest stands declined.

2. Briefly stating, certain land owned by the petitioner, located within the revenue estate of Village Agwanpur, Tehsil Palwal, District Palwal, came to be acquired vide notifications dated 26.11.2009, 20.01.2010 and 04.05.2010 under Section 3A(1) of the National Highways Act, 1956 (for short, "1956 Act"). The award under Section 3G(1) of the 1956 Act was passed on 16.04.2013 (Annexure P-1), however, no compensation was paid

to the petitioner with respect to the grant of solatium and other statutory interest.

3. Aggrieved thereof, the petitioner approached this Court having filed CWP-19637-2017, which came to be disposed of vide decision dated 06.09.2017 (Annexure P-2) with the following observations:-

“It is not disputed that the respondents authorities never questioned the order dated 14.12.2016, any further, and rather complied therewith. But, there has indeed been a turn of events, for, the parties to the lis in M/s Golden Iron & Steel Forging (supra) settled the dispute and the appeals filed by them were disposed of by the Supreme Court in terms of the settlement arrived at. Meaning thereby, not only that the judgment in M/s Golden Iron & Steel Forging (supra) is no longer under challenge, but had rather been accepted by the respondents.

In conspectus of the above, the writ petitions are disposed of with a direction to the respective parties in this bunch of petitions, to resort to necessary measures in terms of clause (i) to (iv) set out in the order dated 14.12.2016, passed by the Division Bench in Joginder Singh and another (Supra). Needless to assert that the petitioners/landowners who are found entitled to relief being claimed, shall be disbursed the requisite amount on pronouncement of the supplementary award, but not later than two months after it is pronounced. Learned counsel for the parties apprised this Court that in few of the writ petitions, the claimants/landowners had even earlier approached this Court. Petitions filed by them to award solatium and interest were disposed of with a directions to consider their claims. And in compliance thereto they have even been disbursed the requisite amount in terms of Section 23(2) and 28 of the Act. And, now in the wake of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 they are claiming 100% solatium. Suffice it to say that this Court has not examined the claim of any of the petitioners on merits, for, the

competent authority shall determine their entitlements/claims in accordance with law. However, if certain landowners are not held entitled to any relief the competent authority shall pass comprehensive orders assigning reasons in support thereof.

The writ petitions are accordingly disposed of.”

4. In pursuance thereof, the petitioner approached respondent No.1 by filing representation dated 04.10.2017 (Annexure P-3) and the same was rejected by passing a speaking order dated 06.04.2018 (Annexure P-4) which has been impugned by way of present writ petition.

5. Learned counsel for the petitioner submits that under similar circumstances, respondent No.1 has passed supplementary award relating to similar acquisition proceedings and a copy of supplementary award dated 21.07.2017 has been placed on record as Annexure P-5 and thus, the petitioner deserves similar treatment with award of solatium as well as interest etc.

6. On the other hand, learned counsel representing respondent No.1 submits that claim of the petitioner with respect to solatium and interest has been rightly declined on account of inordinate delay on her part and thus, order dated 06.04.2018 (Annexure P-4) calls for no interference.

7. I have heard learned counsel for the parties and gone through the paper book.

8. A perusal of record shows that the District Revenue Officer-cum-Competent Authority, Faridabad i.e. respondent No.1 vide its supplementary award dated 21.07.2017 (Annexure P-5) awarded the benefit of solatium as well as statutory interest payable under Sections 23 & 28 of the Land Acquisition Act, 1894 (for brevity, “1894 Act”) in favour of

similarly situated land- owners whose land was acquired by the National Highway Authorities of India wherein the original award under Section 3 G(5) of the 1956 Act was passed on 04.03.2008.

9. In view of the above, respondent No.1 cannot be permitted to act in a discriminatory manner while granting the benefit of solatium and statutory interest to the landowners in a selective manner, as such, the present petition is allowed. The order dated 06.04.2018 (Annexure -P-4) is hereby set aside and respondent No.1 is requested to pass a supplementary award in favour of petitioner with respect to solatium as well as statutory interest in terms of the provisions of 1894 Act as well as in terms of the decision rendered by the Hon'ble Supreme Court in ***Civil Appeal No.7064-2019***, titled as ***"Union of India vs. Tarsem Singh"***, decided on 19.09.2019 and judgment passed by this Court in ***LPA-4965-2018***, titled as ***"National Highway Authority of India (NHAI) vs. Resham Singh and others"***, decided on 12.04.2023.

10. The needful be done within one month from today and the benefits be released in favour of the petitioner within 04 weeks thereafter.

11. Pending application, if any, also stands disposed of.

15.07.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No