



CWP-34436-2024(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.185

CWP-34436-2024(O&M)
Date of Decision:11.12.2025

KASHMIR SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Rajkumar Rathore, Advocate
for the petitioners.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. The present petition has been filed with the following relevant prayer clause:-

“a). a writ in the nature of mandamus directing the respondents to grant the upto date interest on solatium from i.e. 22.05.1999 (date of dispossession from the land) to 14.11.2014 (date of award) in lieu of acquired land of the petitioners by State of Punjab vide Notification dated 11.08.2011 & 02.09.2011 (Annexure P-1 & P-2 respectively) and Award No. 18/P dated 14.11.2014 (Annexure P-4), in the interest of justice and equity.

b). a writ in the nature of mandamus directing the respondents to apply the appropriate multiplied factor of 2 instead of 1 in the award No. 18/P dated 14.11.2014 (Annexure P-4) as per Section 30 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act, 2013 and as per also Notification No. 30/03/2016-LR-1(1)/3644 dated 01.04.2021 (Annexure P-5) of the Department of Revenue, Rehabilitation and Disaster Management, Punjab keeping in view the that distance is



beyond 2 Kms to MC limits from land in question as per letter dated 05.12.2024 (Annexure P-6) issued by the Tehsildar, Patran (Patiala).”

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

3. Both the parties have admitted that the possession of the subject land was taken over from the petitioners-landowners by the respondents on 22.05.1999. However, notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘1894 Act’) so as to initiate acquisition proceedings qua the subject land was issued on 11.08.2011, followed by the notification issued under Section 6 of the 1894 Act issued on 02.09.2011. By the time, the award was passed the legislature enacted The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as ‘2013 Act’). As such award in terms of Section 26 thereof was passed on 14.11.2014. The payment of compensation thereunder was released in favour of the petitioners-landowners on the same day. The short grouse raised by the petitioners-landowners at this stage is that while making the calculation of the amount of compensation, no statutory interest in terms of Section 80 of the 2013 Act was calculated and awarded on the component of 100% solatium.

4. Learned State counsel has not been able to dispute the aforementioned factual aspects and on instructions from XEN Pratham Gambhir, Executive Engineer Patiala, Drainage Division he admits that the statutory interest payable under Section 80 of 2013 Act has not been calculated on the solatium component.

5. In such circumstances having heard the learned counsel for the parties and gone through the contents of the writ petition, it is found that the



CWP-34436-2024(O&M) 3

petitioners are entitled for award of statutory interest payable under Section 80 of the 2013 Act on the component of solatium which forms part of the compensation.

6. In view thereof, the present writ petition is allowed to the extent that the petitioners-landowners shall be paid the amount of statutory interest in terms of Section 80 of the 2013 Act with respect to the benefit of solatium component paid to them. The interest shall be payable from the date of taking over of possession i.e. 22.05.1999 till the date of actual payment under the award i.e. 14.11.2014.

7. Accordingly, the present writ petition stands disposed of.

11.12.2025
mahima

(HARKESH MANUJA)
JUDGE

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