

2026:PHHC:057523



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

**FAO-201-2021 (O&M)
Decided on:-16.04.2026**

Defence Estates Officer, Defence Estates Office,
Pathankot

....Petitioner..

VS.

Kainthu (deceased) thr his LRs and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Brijeshwar Singh Kanwar, Senior Panel Counsel, UOI,
for the appellant.

Mr. R.S. Manhas, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

Exemption application(s)

Exemption applications are allowed, as prayed for.

CM-2271-CII-2021

Prayer in this application is for condonation of delay in filing
the appeal.

Having heard learned counsel for the parties and gone through
the contents of the application, sufficient cause has been made out for
condoning the delay.

Accordingly, application is allowed and delay of 312 days in
filing the appeal is condoned.

Main case

1. By way of present appeal, challenge has been laid to an award dated 10.01.2020 passed by the learned Arbitrator-cum-District Judge, Pathankot, whereby, the respondents-landowners were held entitled for award of market value @ Rs.350/- per marla besides grant of solatium @ 30% on the assessed market value as well as the interest thereon @ 9% per annum for the first year and 15% per annum thereafter till the payment/realization of the amount of compensation.

2. Briefly stating, land owned by the predecessor-in-interest of the respondents-landowners situated in the revenue estate of village Bungal, Tehsil Pathankot was acquired under the provisions of the Requisitioning and Acquisition of Immovable Property Act, 1952 (*hereinafter referred to as "1952 Act"*) vide notification dated 28.02.1970 (published on 06.03.1970). Later, on 07.08.1986, the Arbitrator was notified in terms of Section 8-1(b) of the 1952 Act and award was passed on 06.12.1986 assessing compensation @ Rs.500.00 per kanal for *Barani* land, Rs.300.00 per kanal for *Banjar Qadim* and Rs.150.00 per kanal for *Gair Mumkin* land, besides granting solatium @ 30% as well as the interest thereon @ 9% per annum for the first year and 15% per annum thereafter till the payment/realization of the amount of compensation.

3. Being aggrieved, the appellant preferred FAO-938-1987, which was dismissed by this Court on 03.09.1987. Still aggrieved, an intra-court appeal was preferred at the instance of appellant in the form of LPA-225-1990, which was also dismissed vide order dated 05.04.1990. However, the Hon'ble Supreme Court vide its decision dated 16.09.1992 passed in Civil Appeal No.3831 of 1992, while setting aside the order dated 03.09.1987

passed by this Court and also the award dated 06.12.1986 passed by the learned Arbitrator, remitted the matter back for fresh adjudication. Thereafter again, an Arbitrator was appointed by the State of Punjab in terms of Section 8(1-b) of the 1952 Act on 10.05.2019 and fresh award was passed on 10.01.2020, which was assailed by way of present appeal.

4. Being fair to this Court, learned counsel for the appellant has not been able to assail the quantum of compensation assessed in favour of respondents-landowners @ Rs.350/- per marla based on the determination made by the Hon'ble Supreme Court in case of ***"Dilawar Singh and others vs. Union of India and others"*** reported as (2010)14 SCC 357. However, the sole grouse of the learned counsel for the appellant is with respect to the award of benefit of 30% solatium to the respondents-landowners. Learned counsel submits that under the provisions of 1952 Act, the landowners were not entitled to solatium in terms of Section 23(2) of the Land Acquisition Act, 1894 (*for short, "1894 Act"*) and thus, the impugned award passed by the learned Arbitrator was liable to be modified to such extent.

5. On the other hand, learned counsel appearing on behalf of the respondents-landowners while relying upon the determination made by the Hon'ble Apex Court in case of ***Dilawar Singh (supra)*** and ***"Union of India and another vs. Dr. Asket Singh and others"***, reported as 2024 INSC 409, contends that once there had been an inordinate delay towards appointment of Arbitrator, the respondents-landowners were rightly awarded the benefit of 30% solatium and as such, the award passed by the learned Arbitrator being based on proper appreciation of factual as well as legal aspects calls for no interference. Relevant para 7 of ***Dilawar Singh's case (supra)*** is reproduced hereunder:-

“7. It is noteworthy that the High Court of Punjab and Haryana has in *Union of India v. Inder Singh and Anr.* in LPA No. 1918 of 1989 and connected matters upheld grant of solatium and interest in regard to a similar acquisition made in terms of a notification issued in January 1970. While doing so the High Court placed reliance upon its decision in *Shankar Singh and Others v. Union of India* 1988 (1) PLR 163 Mr. Subramaniam, learned Solicitor General fairly conceded that no appeal has been preferred by the Union of India against the decision in *Shankar Singh's case (supra)* or that delivered in *Union of India v. Inder Singh and Anr (supra)*. In that view of the matter therefore and having regard to the fact that there was an inordinate delay of 16 years in the appointment of an Arbitrator in the present cases, we have no hesitation in holding that the principle laid down by this Court in the decisions referred to above would entitle the land owners to the benefit of solatium and interest especially when the owners who have lost land in similar circumstances and for the same purpose have been given such a benefit.”

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

7. In the given facts and circumstances when the land owned by the respondents-landowners was notified on 06.03.1970, whereas, the Arbitrator was initially appointed by the State of Punjab on 07.08.1986 i.e. after a gap of around 16 years, followed by appointment of fresh Arbitrator only on 10.05.2019 (post remand by the Hon'ble Apex Court vide its decision dated 16.09.1992 passed in Civil Appeal No.3831 of 1992), the respondents-landowners were rightly awarded benefit of 30% solatium over the market value re-assessed i.e. @ Rs.350/- per marla while relying upon the exposition of law laid down by the Hon'ble Apex Court in case of

Dilawar Singh's (supra).

7.1 Furthermore, as rightly pointed out by learned counsel appearing on behalf of the respondents-landowners, the Hon'ble Apex Court in a latest decision of **Dr. Asket Singh's (supra)** while reiterating the reasoning recorded in case of **Dilawar Singh's (supra)** held as under:-

“9. After having perused the aforesaid decisions of this Court, we find that as there are no provisions under the 1952 Act to compensate the owner for the delay in making payment of compensation, a direction was issued by this Court that in such cases, solatium and interest must be paid by the Central Government. The main reason for taking the said view is that the compensation must be paid to the owner of the acquired property within a reasonable time from the date on which the acquired property vested in the acquiring body. The requirement of making payment of compensation within a reasonable time from the date of vesting must be read into the 1952 Act. In fact, such a long delay of 12 years even in offering compensation will attract arbitrariness which is prohibited by Article 14 of the Constitution of India. The first respondent had an option of even seeking quashing of the acquisition on the ground of this arbitrariness which may have violated his rights under Article 300A of the Constitution of India.

10. Considering the huge delay involved in payment of compensation, the High Court has rightly granted solatium and interest in terms of the decisions of this Court. In fact, we are surprised to note that the appellants have dragged the first respondent to this Court. There is absolutely no merit in these appeals. As the first respondent has been paid compensation 7 years back, we are refraining from imposing costs.

8. In view of the above, apparently, there being an inordinate delay of around 16 years in appointment of Arbitrator in the case in hand, the award of solatium @ 30% to the respondents-landowners calls for no

interference. Besides it, the determination made in favour of the respondents-landowners towards market value @ Rs.350/- per marla is also upheld. The respondents-landowners shall also be held entitled for all other statutory benefits and interest.

- 9. Resultantly, the present appeal stands dismissed.
- 10. Pending applications, if any, also stand disposed of.

16.04.2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes