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

**FAO No. 899 of 1989 (O&M) with
Cross Objection No. 15 of 2026 (O&M)
Date of Decision: 24.03.2026**

Union of India and another

...Appellants

Versus

Godawari Devi (deceased) through LRs

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Sharma, Sr. Panel Counsel, UOI
for the appellants. (Applicants in CM-6222-CII-2026)

Mr. R.S. Manhas, Advocate with
Mr. Mohit, Advocate
for the respondents/cross-objectors.

HARKESH MANUJA, J. (ORAL)

CM-6222-CII-2026 in Cross Objection No. 15 of 2026

Application for placing on record reply to the objections preferred at the instance of respondents is allowed subject to all just exceptions. The same is taken on record.

Registry to do the needful.

MAIN APPEAL/CROSS-OBJECTIONS

By way of present appeal, challenge has been laid to an award dated 28.01.1989 passed by the learned Arbitrator-cum-Additional District Judge, Gurdaspur.

[2] Briefly stated, around 10 kanals 03 marlas of land owned by the respondents-cross objectors/landowners forming part of revenue estate of village Mamoon, Tehsil Pathankot was

acquired pursuant to the notification issued under Section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (**hereinafter referred to as 'the Act'**) in 1970. The market value against the aforesaid was assessed at Rs.150/- per marla. Aggrieved thereof, the landowners-respondents sought arbitration. On 20.04.1988, the State Government appointed an Arbitrator for the purpose of dealing with application preferred at the instance of respondents-landowners in terms of Section 8 of the Act. Learned Arbitrator vide its award dated 28.01.1989 re-assessed the market value @ Rs.200/- per marla and also granted the benefit of statutory solatium and interest in favour of respondents-landowners. The operative paragraph Nos. 8 & 9 of the award dated 28.01.1989 are reproduced hereunder:-

"8. I have gone through the award copy Ex.A.2. Para 9 of the award leaves no doubt that the land of Vijay Kumar had a wide road frontage and, therefore, certainly better situated than the land of the claimant which according to Shri Brahm Dass Patwari A.W.1 is at a distance of 885 karams from the Pathankot Kulu Road. The land of the claimant cannot, therefore, be compared with the land of Vijay Kumar, to whom the compensation was paid at the rate of Rs.350/- per marla. Copy of the Award Ex.A.2 has thus essentially to be ruled out of consideration. A reference to the copies of shijras akas Ex.A.1 and Ex.R.1 clearly show that the acquired land is similarly situated as the land of Shanti Devi, Kaushalya Devi and others. Compensation to Kaushalya Devi, Shanti Devi and others had only been ordered to be paid by this Court at the rate of Rs.200/- per marla. Therefore, relying upon the award copy Ex.R.2, as the

basis, I hold that the claimant is also entitled to the payment of compensation at the flat rate of Rs.200/- per marla, and accordingly the compensation is so awarded to her.

9. In Hari Krishan Khosla Vs. Union of India and others, 1974 PLR 658, it had been clearly ruled by a Full bench of our own High Court that in respect of acquisition of land under the Act the land-owners were entitled to solatium and interest as payable under the Land Acquisition Act, 1894. The claimant is also, therefore, awarded solatium at the rate of 30% on the market value of the land and interest at the rate of 9% per annum for the first year from the date of taking possession and at the rate of 15% per annum for the subsequent years till the date of payment.”

[3] Aggrieved of the benefit of solatium granted in favour of respondents-landowners, the present appeal came to be preferred at the instance of appellants. In response, the landowners-respondents preferred cross-objections praying for further enhancement of compensation.

[4] I have heard learned counsel for the parties and gone through the paper-book as well as cross-objections.

[5] A perusal of the record shows that the acquired land falls within the revenue estate of village Mamoon, Tehsil Pathankot and the acquisition commenced pursuant to notification issued in the year 1970 for defence purposes. The Hon’ble Supreme Court in case of **“Dilawar Singh and Others Vs. Union of India and Others”** reported as **2011(3) ICC, 803** assessed uniform market value @ Rs. 350/- per marla for the

land parcel situated at the outskirts of Pathankot, which was acquired for the same purpose. The operative paragraph No.10 from the aforementioned judgment is extracted hereunder:-

“10. In the present batch of cases except the case the notification for acquisition was issued in February 1970 which is proximate in point of time to those issued in the Shanker Singh and Inder Singh's cases (supra). The notification in Union of India v. Mohinder Singh (Civil Appeal No. 9204/2010) was issued on 12.5.1964 and published on 12.6.1964. That apart the lands in question were all acquired for the very same purpose and are situated on the outskirts of a growing town like Pathankot. The growing non-agriculture potential of such lands is also not in serious dispute. The High Court has failed to notice all these aspects apparently because the decisions in Shanker Singh's case and that delivered in Inder Singh's case (supra) were handed down subsequent to the impugned order. Suffice it to say that on the material available before us we see no reason why the amount of compensation payable to the landowners appellants in these appeals should also not be enhanced to Rs.350/- per marla with proportionate benefits towards solatium and interest as awarded by the Arbitrator and upheld by the High Court in those cases and in similar other cases to which we have referred in the earlier part of this order. In so far as Mohinder Singh's case (supra) is concerned, the appeal has been filed by the Union of India against grant of solatium and interest. No appeal has been filed by the owners in that case for enhancement of the amount of compensation. Even otherwise in the absence of any cogent evidence to justify any such enhancement, there is no room for directing payment of a large amount of compensation.”

[6] As regards the award of solatium, it has been held in case of ***Dilawar (supra)***, that in case of inordinate delay in appointment of Arbitrator, the landowners are held entitled for grant of benefit of solatium and interest. Relevant paragraph No.8 from the said judgment is reproduced hereunder:-

“8. 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.”

[7] In the present facts and circumstances, there has been a delay of around 18 years for appointment of Arbitrator as the land owned by the respondents-cross-objectors was notified in the year 1970 whereas, the Arbitrator was appointed on

20.04.1988. Thus, the respondent(s) / cross-objector(s) / landowner(s) are entitled for award of statutory solatium and interest.

[8] In view of the aforesaid discussion, the present appeal is dismissed and the cross-objection filed at the instance of respondents-cross-objectors/landowners are allowed. The respondents/cross-objectors/landowners are held entitled for similar market value of Rs.350/- per marla along with all other statutory benefits including solatium as well as interest thereupon.

[9] Pending miscellaneous application(s) shall stand(s) disposed off.

March 24, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No