

2026 PHHC 060523



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6240-2024

Date of Decision: April 21, 2026

JAGMEL SINGH

.....Petitioner

Versus

UNION OF INDIA AND OTHERS

.....Respondents

CWP-6263-2024

GURTEJ SINGH AND OTHER

.....Petitioners

Versus

UNION OF INDIA AND OTHERS

.....Respondents

CWP-6274-2024

BALJINDER SINGH

.....Petitioner

Versus

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ranjit Saini, Advocate and
Mr. Nitin Mehta, Advocate for the petitioners.

Mr. Rishi Kaushal, Advocate with
Ms. Komal Bishnoi, Advocate for respondents-NHAI.

Mr. Puru Jarewal, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present writ petition, prayer has been made for issuance of direction to the respondents to pay solatium @ 100% along with interest in favour of the petitioner(s)/landowner(s) in terms of Section 30 read with Schedule I of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act').

2. Briefly stating, some land owned by the petitioner(s)-landowner(s), situated in the revenue estates of villages Mehlaam,

Mouran, Dhhandoli Khurd, Toor Banjara, Dirba, Rampur Gujran, Kadail, Khetla, Kakuwaia, Tehsil Sunam Udham Singh Wala, District Sangrur, came to be acquired vide notifications dated 07.08.2013 and 26.02.2014 issued under Sections 3-A and 3-D of the National Highways Act, 1956 (for short 'the 1956 Act') respectively. Award under Section 3-G(1) of the 1956 Act, was passed by respondent No.3/CALA on 20.10.2014. The purpose of acquisition was for building, (widening/four laning. Etc), maintenance, management and operation of National Highway No.71 (52) on the Patti stretch land from KM. 181.805 to 238.695 KM (Sangrur to Punjab/Haryana Border Section) in District Sangrur in the State of Punjab.

3. Admittedly, the petitioners/landowners were granted the benefit of solatium @ 30% over the market value. Being aggrieved, the petitioners/landowners filed the present writ petition(s) with a prayer for issuance of direction to the respondents for award of 100% solatium. Reply on behalf of respondent No.2 stands filed.

4. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

5. The claim towards 100% solatium made by the petitioners/landowners is based on the guidelines dated 28.12.2017 issued by the Ministry of Road Transport and Highways, Government of India. The relevant portion from para no.4.6(iii) of the aforesaid guidelines is extracted hereunder:-

“(iii) By now, it is also a settled proposition that the First, Second and Third Schedule of the RFCTLARR Act, 2013 shall be applicable to the NH Act, 1956 with effect from 01.01.2015. As such, the following is clarified:

(a) All cases of Land acquisition where the Awards had not been announced under Section 3G of the NH Act till 31.12.2014 or where such awards had been announced but compensation had not been paid in respect of majority of the land holdings under acquisition as on 31.12.2014, the compensation would be payable in accordance with the First Schedule of the RFCTLARR Act, 2013.

(b) In cases, where the land acquisition process was initiated and award of compensation under Section 3G had also been announced before 01.01.2015 but the full amount of Award had not been deposited by the acquiring agency with the CALA, the compensation amount would be liable to be determined in accordance with the First Schedule w.e.f. 01.01.2015;

(c) In cases, where the process of acquisition of land stood completed (i.e. Award under Section 3G announced by CALA, amount deposited by the acquiring agency with the CALA, and compensation paid to the landowners in respect of majority of the land under acquisition) as on or before 31.12.2014, the process would be deemed to have been completed and settled. Such cases would not be re-opened.”

6. Further, the Hon’ble Apex Court vide order dated 23.09.2022 passed in the case of **‘Sanwarmal Singhaniya Memorial Trust & Anr. Vs. National Highways Authority of India (Misc. Application No.1172 of 2021)**, went on to approve, endorse and rely upon the aforesaid guidelines. Subsequently, the **Misc. Application Diary No.45267/2023** preferred at the instance of National Highways Authority of India, for seeking clarification of the said order dated 23.09.2022 was also dismissed by the Hon’ble Apex Court in I.A. No.227202/2023 vide order dated 01.12.2025 thereby reaffirming the enforceability of the above guidelines. The operative portion from **Sanwarmal Singhaniya Memorial Trust & Anr’s case (supra)** is extracted hereunder:-

“6. We are of the view that there was no good reason for the applicant to come before us with the present application and seek further clarification. Whatever had to be clarified has been very lucidly clarified by this Court vide the order dated 23.9.2022 referred to above. The parties shall abide by the order passed by this Court dated 23.9.2022.

7. *With the aforesaid, this Miscellaneous Application stands disposed of”*

7. In view of the aforestated position of law, the case(s) in hand needs to be dealt with in terms of Clause 4.6(iii) of the guidelines dated 28.12.2017.

8. From the reply filed on behalf of respondent No.2-NHAI (in CWP6255-2024), it is evident that after passing of the award by CALA on 20.10.2014, the compensation amounting to Rs.1,54,86,14,840/- was deposited by NHAI with CALA on 24.12.2014. However, there is no positive averment made in the reply that the compensation amount with respect to majority of land holdings under present acquisition was released to the landowners as on 31.12.2014. Even, today, no document or information to such effect has been brought to the notice of this Court, as such, in the humble opinion of this Court, once the amount was released to the beneficiary-landowner(s) only after 01.01.2015, they were entitled for award of 100% solatium under clause 4.6(iii)(a) of the guidelines dated 28.12.2017 issued by the Ministry of Road Transport and Highways, Government of India as despite the announcement of award dated 20.10.2014 i.e. prior to 31.12.2014, the compensation has not been paid in respect of majority of land holdings under acquisition as on 31.12.2014. Consequently, in terms of the said guidelines as well as the judgment passed by the Hon'ble Apex in case of **Sanwarmal Singhaniya Memorial Trust & Anr (supra)**, the petitioners are held entitled for award of solatium @100% as per First Schedule of the 2013 Act, which reads as under:-

THE FIRST SCHEDULE

(See Section 30(2))
COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (one)	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatium	Equivalent to one hundred per cent of the market value of land mentioned at serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8.	Other component, if any to be included		

9. At this stage, learned counsel for the respondent/NHAI while relying upon the order dated 25.03.2026 passed by the Hon'ble Apex Court in '**National Highways Authority of India Vs. Tarsem Singh and others, 2026 INSC 291**', submits that since the present petitions were filed with much delay in the year 2024 whereas the award in the given case(s) was passed on 20.10.2014, the petitioners/landowners were entitled for interest only from the date on which claims were raised by them upon filing of the present petitions. Para 14 of the aforementioned judgment is extracted hereunder:-

"14. Considering the facts and circumstances explained in the instant proceedings along with the various submissions placed on record and with a view to balancing the equities regarding delay and the entitlements of the landowners, we issue the following directions:

- (i) *All landowners whose claims re: the quantum and/or components of compensation for their lands acquired under the NH Act were alive on or after 28.03.2008, Le, they were pending before one of the prescribed fora, shall be entitled to seek addition of 'interest', 'solatium', and 'interest on the solatium' to their compensation claim;*
- (ii) *In the cases where compensation claims are alive on the aforesaid date, but the landowner has claimed 'interest', 'solatium', and 'interest on solatium after 28.03.2008, no interest on both components shall be payable for the period of delay. Such landowner shall be entitled to 'interest' and 'interest on solatium' only from the date on which such claims were raised; and*
- (iii) *If the claims of the landowners stood concluded prior to 28.03.2008, with no further appeal. Writ Petition, Special Leave Petition, etc., then such landowners are not entitled to seek reopening, review, or modification of the said decision for the purpose of claiming 'solatium' or 'interest'."*

This contention raised by the respondent–NHAI, relying upon the law laid down in **Tarsem Singh’s case (supra)** lacks merit. A proper interpretation of the said law would, in fact, operate against their case. In the present case, notification under Section 3-A of the 1956 Act was issued on 07.08.2013 and the Award under Section 3-G(1) was passed on 20.10.2014 which clearly depicts that the claim of the petitioners-landowners towards award of solatium arose after 28.03.2008. Thus, the case of the petitioners squarely falls within clause 1 of para 14 of Tarsem Singh’s case (supra). Consequently, in terms of the said judgment, the petitioners shall also be entitled to interest as well as interest on solatium besides the award of solatium @100% from the date of the award till the release of the said interest. It is further reiterated that the liability to compensate the petitioners always was upon the respondent-NHAI. The petitioners-landowners cannot be expected to chase what is lawfully due to them. The respondent-NHAI cannot evade it’s liability particularly when the legal position in this regard stands well-settled by the Hon’ble Apex Court in the aforesaid judgments.

10. Accordingly, all the writ petitions are allowed. Petitioners/landowners are thus held entitled for the award of solatium @ 100% in terms of Section 30 read with Schedule I of the 2013 Act, clause 4.6(iii)(a) of the guidelines dated 28.12.2017 issued by the Ministry of Road Transport and Highways and the judgment passed by the Hon’ble Apex Court in case of ***Sanwarmal Singhaniya Memorial Trust & Anr (supra)***. Further, in terms of the direction issued by the Hon’ble Apex Court in Tarsem Singh case (supra), the petitioners are also held entitled for interest and interest on solatium from the date of award i.e. 20.10.2014 till the release of interest as well as interest on solatium.

11. Pending application(s), if any, shall stand disposed of.
12. A photocopy of this order be placed on the files of all other connected cases.

21.04.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>