



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

**FAO No. 2308 of 1998 (O&M)
Date of Decision: 10.03.2026**

Union of India and another

..... Appellants

Versus

Karan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Lalit Kumar Gupta, Advocate
for the appellants.

None for respondent Nos. 1 to 3.

Mr. Gunjan Mehta, Additional Advocate General, Punjab
for *pro forma* respondent No. 4.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been laid to an award dated 08.05.1998 passed by the learned Arbitrator-cum-District Judge, Gurdaspur, whereby the arbitration reference invoked at the instance of respondent(s)-landowner(s) was disposed of with the relevant findings recorded in para-14 of the Award dated 08.05.1998, as under:-

“ Issue No. 5 (Relief)

14. For the foregoing reasons, discussion and my findings issuewise, I accept all these four applications and award compensation to the applicants at the rate of Rs.150/- per marla as market value of the land. I also award solatium at the rate of 30% on the compensation, so worked out of the land of the same village in writ petition No.FAO 462 of 1980 decided on 11/11/88 in case Union of India Vs. Shankar Dass. The applicants are also

awarded interest at the rate of 9% for the first year after taking possession and at rate of 15% per annum thereafter, till payment. The applicants are also entitled other benefits arising due to the amended provisions of Section 23(1-A) of the Land Acquisition Act. The applications are accepted with costs. Counsel fee is assessed at Rs.500/-in each case. The respondents shall make the payment to the applicants within a period of three months from today, failing which the recovery can be effected through execution. A copy of this judgment be placed in the other connected cases nos. 3 of 1997, titled as Puran Singh etc. Vs. Union of India, case no. 4 titled as Bahadur Singh Vs. Union of India and case No. 1 of 1997, titled as Amar Nath Vs. Union of India etc. Memo of costs be prepared. File be completed and consigned to the record room.

*Pronounced in open Court on
this 8th day of May, 1998*

*Sd/-Gurdev Singh
Arbitrator,
District Judge,
Gurdaspur.”*

[2] The short grievance at the instance of appellants-Union of India is with respect to the award of benefit of solatium to the respondents-landowners.

[3] After hearing learned counsel for the parties and having gone through the paper-book, I am unable to find substance in the submission(s) made on behalf of the appellants-Union of India.

[4] In the present case, land owned by the private respondents forming part of the municipal limits of Pathankot and Sujanpur was notified for defence purposes on 12.06.1964. Initially, the Govt. of Punjab vide its notification dated 08.08.1976 published on 12.08.1977, appointed the then learned Chief Judicial Magistrate as an Arbitrator for the purpose of determination of compensation towards the notified land including the trees and construction etc. The award was announced by the learned Arbitrator on

30.12.1977. Aggrieved of the same, the respondents-landowners approached this Court. Vide order dated 06.04.1983, the appeals were decided granting the compensation at the rate of Rs. 150/- per marla besides 15% solatium and interest at the rate of 6% per annum. As per the pleadings made in the present appeal, Letter Patent Appeals (LPAs) preferred before this Court were dismissed. Later, the Hon'ble Apex Court remanded back the matter for fresh adjudication. Thereafter, on 02.05.1997, the State of Punjab issued notification appointing the learned District & Sessions Judge, Gurdaspur as an Arbitrator, who vide its award dated 08.05.1998 disposed of the arbitration proceedings. Aggrieved against the same, present appeal has been preferred.

[5] The short grouse raised on behalf of the appellants is that the respondents-landowners were not entitled for award of solatium benefit.

[6] A perusal of record shows that the land in question was notified for defence purposes on 12.06.1964, however, the Arbitrator in the case in hand was appointed vide notification dated 02.05.1997 and as such, there had been a delay of about thirty-three (33) years in appointment of Arbitrator. The Hon'ble Apex Court in case of ***“Dilawar Singh and Ors. Versus Union of India and Ors.”***, reported as 2010(14) SCC 357, held that wherever there is long and inordinate delay in appointment of Arbitrator, the landowners were to be made entitled for award of solatium benefit. Relevant para-7 from the said decision is extracted 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.** ”*

[7] In view of the aforesaid exposition of law, the impugned award passed by the learned Arbitrator being based on sound reasons and valid application of law, calls for no interference.

[8] Resultantly, the present appeal is hereby **dismissed**.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

March 10, 2026
'dk kamra '

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No