

2026:PHHC:078537



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

**CWP-25399-2022 (O&M)
Decided on:-18.05.2026**

Nirdosh and others

....Petitioners..

vs.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manoj Kaushik, Advocate,
for the petitioners.

Ms. Komal Sharma, DAG, Haryana,
for respondents No.3 and 4.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, prayer has been made for issuance of a writ in the nature of Mandamus directing the respondents to grant statutory benefits as prescribed under Sections 23(1-A), 23(2) & 28 of the Land Acquisition Act, 1894 (for short 'the Act') on account of acquisition of the land owned by the petitioners, situated in the revenue estate of village Khtaila, Tehsil Hodal District Palwal, Haryana, vide notification dated 26.11.2009 issued under Section 3A of National Highways Act, 1956 (hereinafter referred to as the '1956 Act') followed by an award dated 26.04.2012 (Annexure P-1), for the purpose of six laning/ widening of the National Highway-2 (Delhi-Agra stretch).

2. In support of the relief sought in the present petition, learned counsel for the petitioners has placed reliance upon the judgment rendered in

reported as **2011 (4) RCR (Civil)** wherein the Hon'ble Division Bench of this Court, while declaring the provision of Section 3-J and Section 3-G unconstitutional and ultra vires of Article 14 of the Constitution of India, extended the benefits envisaged under Sections 23 and 28 of the 1894 Act to the acquisitions undertaken under the 1956 Act as well. Ld. counsel further contends that the said view came to be affirmed by the Hon'ble Supreme Court in the case of **Union of India v. Tarsem Singh and Ors** reported as **201 (9)SCC 304**. Relevant paragraphs of the said judgments are reproduced hereunder:

M/s Golden Iron and Steel Forging's case(supra)

“94. As we have upheld the legality of the proceedings for acquisition, the writ petitions are dismissed in respect thereof. But as the provisions of Section 3J and 3G are ultra vires of Article 14 of the Constitution of India, all acquisitions made under the National Highway Act, 1956 would necessarily have to grant solatium and interest, in terms similar to those contained in Section 23(2) and Section 28 of the Land Acquisition Act.”

Tarsem Singh's case (supra)

“41. There is no doubt that the learned Solicitor General, in the aforesaid two orders, has conceded the issue raised in these cases. 65 This assumes importance in view of the plea of Shri Divan that the impugned judgments should be set aside on the ground that when the arbitral awards did not provide for solatium or interest, no Section 34 petition having been filed by the landowners on this score, the Division Bench judgments that are impugned before us ought not to have allowed solatium and/or interest. Ordinarily, we would have acceded to this plea, but given the fact that the Government itself is of the view that solatium and interest should be granted even in cases that arise between 1997 and 2015, in the interest of justice we decline to interfere with such orders, given our discretionary jurisdiction under Article 136 of the Constitution of India. We therefore declare that the provisions of the Land Acquisition Act relating to solatium and interest contained in Section 23(1A) and (2) and interest payable in terms of section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of Section 3J is, to this extent, violative of Article 14 of the Constitution of India and, therefore, declared to be unconstitutional. Accordingly, Appeal @ SLP (C) No. 9599/2019 is dismissed.”

3. On asking of the Court, Mr. Mayank Aggarwal, Advocate, who is present in Court, is requested to assist in the matter on behalf of respondent No.2-NHAI.

4. Learned counsel for the respondent No.2-NHAI contends that since the present petitions were filed with much delay in the year 2022 whereas the award in the given case(s) was passed by CALA on 26.04.2012, the petitioners/landowners are entitled for interest only from the date on which claims were raised by them upon filing of present writ petitions.

DISCUSSION AND REASONING

5. I have heard ld. counsel for the parties and perused the paperbook.

6. The controversy in the case in hand now stands settled by the latest exposition of laid down by the Hon'ble Apex Court in the case **'National Highways Authority of India Vs. Tarsem Singh and others, 2026 INSC 291** vide order dated 25.03.2026. Relevant paragraph 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:

(1) 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'.”

7. In view of the aforesaid position of law, the contention raised on behalf of the respondent -NHAI does not find merit. In the present case, notification under Section 3-A of the 1956 Act was issued on 26.11.2009 and the award under Section 3-G(1) was passed on 26.04.2012 which clearly depicts that the claim of the petitioners-landowners 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 are held entitled to benefits of interest under Section 28, solatium under Section 23(2) and interest on solatium. Accordingly, the present writ petition is disposed of.

8. Pending application(s), if any, shall stand disposed of.

18.05.2026
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(HARKESH MANUJA)
JUDGE

(I)	Whether speaking/reasoned:	Yes/No
(ii)	Whether reportable:	Yes/ No