

2026 PHHC:052448



CWP Nos.18620 of 2023 (O&M) with connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.18620 of 2023 (O&M)
with other 06 connected cases
Date of Decision: 06.04.2026

RAJINDER SINGH AND ANR.

.....Petitioners

Vs

NATIONAL HIGHWAY AUTHORITY OF INDIA AND ORS.

..Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Raj Karan Singh Verka, Advocate
for the petitioners.

Mr. Rishi Kaushal, Advocate with
Ms. Komal Bishnoi, Advocate
Mr. B.S. Sudan, Advocate for
Dr. P.S. Sekhon, Advocate
for respondent(s)/NHAI.

Mr. Puru Jarewal, D.A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present writ petitions bearing CWP Nos.18620 of 2023, 19283, 20898, 25609, 25667 of 2021, 176 and 179 of 2022 (O&M) are being decided as all these cases have arisen out of common acquisition and involve identical facts and questions of law. For brevity, facts are being taken from CWP No.18620 of 2023.

[2]. By way of present writ petition, prayer has been made for issuance of a writ in the nature of *mandamus* thereby directing 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



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Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act').

[3]. Briefly stating, the petitioners happen to be the landowners in village Naushehra Pannuan, District Tarn Taran. Some part of their land holdings came to be acquired vide Notifications dated 05.07.2013 and 04.02.2014 issued under Section 3-A and 3-D of 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 10.10.2014. The purpose of acquisition was for building (Widening/four lanning etc.) maintenance, management and operation of National Highway No.15 (now National Highway No.54) on the Patti stretch of land from Km 123.00 to Km 147.500 km (Tarn Taran).

[4]. Admittedly, the petitioners/landowners were granted the benefit of solatium @ 30% over the market value. Aggrieved thereof, the petitioners/landowners filed the present writ petition with a prayer of issuance of direction for award of solatium @ 100%. Written statement on behalf of the respondents stands filed.

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

[6]. The claim towards 100% solatium as 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*



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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.”*

[7]. 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.

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The operative portion from **Sanwarmal Singhaniya Memorial Trust'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”

[8]. 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.

[9]. On 10.12.2025, learned counsel for the petitioner placed reliance upon an RTI information dated 20.01.2025 provided by respondent No.3/CALA to submit that compensation pertaining to the acquisition in hand regarding the revenue estate of entire District of Tarn Taran was deposited with the CALA on 28.02.2015. The information provided to the petitioners in the shape of copies of two letters dated 20.01.2025 and 16.01.2025 by respondent No.3/CALA alongwith one copy of statement of account received through RTI been duly signed by counsel for the petitioners as well as learned State counsel are taken on record as ‘Mark X’. Thereafter on 05.02.2026, learned counsel for respondent No.1/NHAI prayed for some time to obtain requisite instructions in this regard. The said order reads as under:-

“On 10.12.2025, this Court passed the following order:-

“Learned counsel for the petitioner(s) relies upon an RT information dated 20.01.2025, to point out that the compensation amount was deposited by the NHAI on 28.02.2015 and thus the petitioners are entitled for 100% solatium.

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Faced with the above, learned counsel for respondent-NHAI prays for time to get instructions in the matter.

List on 05.02.2026.

A photocopy of this order be placed on the file(s) of connected case(s).”

Learned counsel representing respondent No.1 prays for some more time for obtaining the requisite information.

List on 05.03.2026.

However, in case the requisite information is not provided to learned counsel for respondent No.1, the Regional Officer, National Highway Authority of India is requested to join the proceedings through video-conferencing on the date fixed.

To be shown in the urgent cause list, henceforth.

A photocopy of this order be placed on the file of connected case.”

[10]. Despite being granted an opportunity to counter the information provided to the petitioner on 20.01.2025, learned counsel appearing on behalf of the respondent-NHAI has not been able to deny or rebut the same and thus, evidently the fact remains that the amount of compensation in respect to the acquired land forming part of District Tarn Taran in the present case(s) was deposited with the CALA on 28.02.2015.

[11]. In such circumstances, once the amount of compensation was deposited by the beneficiary i.e. respondent No.2/PWD (B&R) Branch, Amritsar with respondent No.3/CALA after 01.01.2015, the claim made by the petitioners with respect to the award of 100% solatium was clearly covered by clause 4.6(iii)(b) of the guidelines dated 28.12.2017 issued by the Ministry of Road Transport and Highways, Government of India. Consequently, in terms of the said guidelines as well as the judgment passed by the Hon’ble Apex in case of



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Sanwarmal Singhaniya Memorial Trust’s case(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.

<i>Serial No.</i>	<i>Component of compensation package in respect of land acquired under the Act</i>	<i>Manner of determination of value</i>	<i>Date of determination of value</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
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 proved under section 29.	
5.	Solatium	Equivalent to one hundred per cent. of the market value of land mentioned 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	



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mentioned against serial number 5 under column (2).

8. Other component, if any to be included

[12]. 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 2023 whereas the award in the given case(s) was passed by CALA on 10.10.2014, the petitioners/landowners were entitled for interest only from the date on which claims were raised by them upon filing of present writ 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:

(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



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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 05.07.2013 and the award under Section 3-G(1) was passed on 10.10.2014 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.

[13]. 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 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 entitled for interest and



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interest on solatium from the date of award i.e. 10.10.2014 till the release of interest as well as interest on solatium.

- [14]. Pending application(s), if any, shall stand disposed of.
- [15]. A photocopy of this order be placed on the files of all other connected cases.

April 06, 2026
Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No