
(2016) 10 P&H CK 0152
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 20892 of 2016

Akash	Vs	APPELLANT
D.R.O.-cum-Land Acquisition Collector		RESPONDENT

Date of Decision : 05-10-2016

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (2016) 4 LawHerald 3268 : (2017) 1 RCRCivil 658

Hon'ble Judges : Surya Kant and Sudip Ahluwalia, JJ.

Bench : Division Bench

Advocate : Rishi Kaushal, Advocate, for the NHA; B.S. Tewatia, Advocate, for the Petitioner; Sunil Kumar Sharma, Senior Panel Counsel, for the UOI

Final Decision : Disposed Off

Judgement

Surya Kant, J. (Oral)—Notice of motion.

2. On our asking, Mr. Rishi Kaushal, Advocate accepts notice on behalf of respondent No.1 and Mr.Sunil Kumar Sharma, Advocate, accepts notice on behalf of respondent No.2.

3. Let two copies of the writ petition be supplied to each abovenamed learned counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

4. In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage. The petitioner is a resident of village Kurara Shapur, Tehsil and District Palwal. His land, as described in para No.2 of the writ petition, has been acquired by respondent No.2 under the National Highways Act, 1956, for widening and development of National Highway No.2 (Eastern Peripheral Express Way).

6. The Award was passed in the year 2015 by the Land Acquisition Collector/

Competent Authority.

The petitioner's main grievance is that while assessing the compensation, the benefits of Sections 23, 28 and 34 of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), namely, solatium and interest have not been granted to him despite the fact that this Court in *M/s Golden Iron and Steel Forgings v. Union of India and others*, 2011 (4) RCR (Civil) 375, has categorically held that in the case of acquisition under the National Highways Act, 1956 also, these two statutory benefits are equally admissible to the affected land-owners.

7. The petitioner, besides submitting his claim-applications etc., is said to be running from pillar to post for the release of above-mentioned benefits which are said to have been withheld on the plea that there are no specific directions given by this Court in his favour.

8. We have heard learned counsel for the parties at some length and gone through the record.

9. The principles laid down by this Court in *Golden Iron and Steel Forgings's* case (supra), are undisputable. The fact that the benefit of solatium and interest has been extended to other similarly situated landowners vide order dated 27.09.2012 in *Bhag Singh's* case (supra), can be hardly denied. In these circumstances, it appears imperative upon respondents to consider the petitioner's claim for the grant of solatium and interest in accordance with the decision of this Court in *Golden Iron and Steel Forgings's* case (supra).

10. While considering the claim of the petitioner in the light of the above-cited decision, the respondents shall be required to follow the recent directions dated 11.08.2016 issued by the Hon'ble Supreme Court in Civil Appeal No.10553 of 2011 (*Sunita Mehra and another v. Union of India and others*), to the following effect:-

".....that the award of solatium and interest on solatium should be made effective only to proceedings pending on the date of the High Court order in *Golden Iron & Steel Forgings v. Union of India and others*, i.e. 28.03.2008. Concluded cases should not be opened. As for future proceedings, the position would be covered by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (came into force on 01.01.2014), which Act has been made applicable to acquisitions under the National Highways Act, 1956 by virtue of notification/order issued under the provisions of the Act of 2013.

With the aforesaid modification and clarification in the order of the High Court, these civil appeals are disposed of....."

11. The writ petition is accordingly disposed of in the following terms:-

(i) The petitioner may apply to the Competent Authority-cum-Land Acquisition Collector within a period of one month for the grant of aforesaid benefits;

(ii) The said Competent Authority will issue notice and call for the records/reply from the National Highway Authority of India;

(iii) The Competent Authority shall thereafter determine the petitioners' claim for the aforesaid benefits, especially in view of the decisions of this Court and the Hon'ble Supreme Court, cited above;

(iv) If the petitioner is found entitled to, a self speaking supplementary Award to this effect shall be passed within a period of four months from the date of filing of the application;

(v) The National Highways Authority of India is directed to deposit the amount payable in terms of the supplementary award, in interest-bearing fixed deposit account(s) in any nationalised bank which shall be disbursed subject to attaining finality of the litigation in the Golden Iron and Steel Forgings's case (supra).

12. The writ petition stands disposed of accordingly.