
(1985) 09 P&H CK 0057
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2210 of 1982

Gamdur Singh and others

APPELLANT

Vs

Union of India and another

RESPONDENT

Date of Decision : 19-09-1985

Acts Referred:

Citation : (1986) 1 CurLJ 584 : (1986) PLJ 246 : (1988) 1 RRR 11

Hon'ble Judges : I.S.Tiwana, J

Advocate : Sarjit Singh, Advocate., Advocates for appearing Parties

Judgement

I.S. Tiwana, J. (Oral)

1. Petitioners' land was initially requisitioned under section 23 of the Defence of India Act on October 7, 1972 and it was later acquired under section 30(2) of the said Act on January 15, 1975. The sole claim made in this petition is that while awarding compensation to them for the above noted acquisition, they have not been allowed solatium and interest at the rate of 15% and 6% respectively to which, as per the averments in the petition, they are entitled in the light of various decisions of this Court. The stand of the respondents on the other hand is that solatium and interest were not allowed to the petitioners as the same were not envisaged by the provisions of the above noted Act. It is, however, conceded that solatium and interest at the above noted rates is payable on the amount of compensation determined under the provisions of the Land Acquisition Act, 1894. Thus it is patent that if the acquisition of land is effected under the above noted two statutes a different amount of compensation is payable. In a similar situation where acquisition had been effected under the Requisitioning and Acquisition of Immoveable Property Act, 1952 (30 of 1952) which Act too did not envisage the payment of solatium and interest, a Full Bench of this Court in Hari Krishan Khosla (deceased) v. This Union of India and another, (1974) 76 P.L.R. 659 while striking down the provisions of the latter mentioned Act as ultra vires of Article 14 of the Constitution, held that solatium and interest at the rate of 15% and 6% as envisaged by the Land Acquisition Act, were payable on the amount of

compensation determined under Act No. 30 of 1952 referred to above. Besides this it is the conceded position that in Civil Writ Petition No. 4959 of 1981 (Natha Singh and others v. Union of India etc.) decided on January 20, 1982, a Division Bench of this Court allowed a similar claim to solatium and interest. The contention of the learned counsel for the respondents, however, is that a Special Leave Petition has been filed in the Supreme Court against that judgment. Be that as it may, the fact remains that this Court has allowed solatium and interest even in cases where acquisition of land has been effected under the Defence of India Act.

2. In the light of the above, I allow this petition and direct the respondents to pay to the petitioners solatium and interest at the rate of 15% and 6% respectively on the amount of compensation payable or paid to them. The petitioners would also have the costs of this petition which I determine at Rs. 500/.