

(2013) 10 P&H CK 0201
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 22417 of 2013

Gurnam Singh and Others	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 09-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0201

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Satbir Rathore, for the Appellant; Rupinder S. Khosla, Assistant Solicitor General of India, for Union of India-Respondent No. 1, Mr. Rishi Kaushal, Advocate and Mr. P.S. Bajwa, Addl. AG, Punjab, for the Respondent

Judgement

Surya Kant, J.—Notice of motion. On our asking, Mr. Rupinder S. Khosla, learned Assistant Solicitor General of India, accepts notice on behalf of respondent No. 1; Mr. Rishi Kaushal, Advocate, accepts notice on behalf of respondent No. 2 and Mr. P.S. Bajwa, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos. 3 & 4.

2. The petitioners are residents of different villages, namely, Dugri Rajputtan, Tanda Ram Sahai, Bishanpur, Tehsil Mukerian, District Hoshiarpur. Their lands, as per the details given below have been acquired by respondent Nos. 1 & 2 under the National Highways Act, 1956 (hereinafter referred to as "1956 Act"):-

3. The award was passed in CWP No. 22417 of 2013 on 3.5.2011, in CWP No. 22423 of 2013 on 2.7.2011, in CWP No. 22425 of 2013 on 2.7.2011. In CWP No. 22422 of 2013, no award has been passed by the Arbitrator so far. In all the cases the petitioners have received compensation awarded by the Competent Authority.

4. The petitioners' main grievance is that while assessing the compensation, the benefit of Sections 23 and 28 of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), namely, solatium and interest was not granted to

them despite the fact that this Court in *M/s. Golden Iron and Steel Forging Vs. Union of India and others*, has categorically held that even in the case of acquisition under the National Highways Act, 1956, the above mentioned two statutory benefits are equally admissible to the affected land-owners. The petitioners also rely upon two decisions of this Court, dated 27.9.2012 passed in CWP No. 7457 of 2012 (*Bhag Singh and another versus Commissioner, Jalandhar Division and others*) (Annexure P-2) and dated 27.9.2012 passed in CWP No. 14642 of 2012 (*Prem Kaur versus Union of India and others*) (Annexure P-3), whereby the benefit of solatium and interest in terms of the above-cited decision of this Court, has been extended to the land-owners whose lands were also acquired alongwith that of the petitioners.

5. Another grievance of the petitioners is that besides submission of applications etc., they are running from pillar to post before the officers of respondent No. 2- National Highways Authority for the release of above-mentioned benefits but the same are with-held only on the plea that no directions have been given by this Court in their case(s). The aggrieved petitioners have now approached this Court.

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

7. The principles laid down by this Court in *Golden Iron and Steel Forgings's* case (*supra*), are not in dispute. Similarly, the fact that the benefit of solatium and interest has been extended by this Court to the land-owners of same acquisition vide order Annexure P-2, can also be hardly disputed. In these circumstances, we are of the view that it is imperative upon respondent Nos. 1 & 2 to consider the petitioners' 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*). The writ petitions are accordingly disposed of with a direction to respondent No. 3 that let these petitions be treated as applications on behalf of the petitioners under Sections 23 and 28 of the Land Acquisition Act, 1894 read with National Highways Act, 1956 and their claim regarding grant of solatium and interest be determined within a period of three months from the date of receiving a certified copy of this order. The amount found due shall then be released by respondent Nos. 1 & 2 within a period of one month thereafter.

Dasti.