
(2013) 08 P&H CK 0185
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17527 of 2013

Harjit Kaur and Another	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 14-08-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 23, 28

Citation : (2013) 08 P&H CK 0185

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

Bench : Division Bench

Advocate : Satbir Rathore, for the Appellant; Rishi Kaushal, Advocate for Respondent Nos. 1 and 2 and Mr. J.S. Puri, Addl. AG, Punjab for Respondent Nos. 3 and 4, for the Respondent

Final Decision : Disposed Off

Judgement

Surya Kant, J.—Notice of motion.

On our asking, Mr. Rishi Kaushal, Advocate, accepts notice on behalf of respondent Nos. 1 & 2 and Mr. J.S. Puri, learned Additional Advocate

General, Punjab, accepts notice on behalf of respondent Nos. 3 & 4.

Learned counsel for the petitioners has handed-over two copies each of the petition to learned State counsel and learned counsel for respondent

Nos. 1 & 2. In view of the nature of order which we propose to pass, no reply-affidavit is required to be filed by the respondents.

2. The petitioners are residents of different villages, namely, Usman Shaheed, Dala, Tanda Tehsil Dasuya, Distt. Hoshiarpur and villages Mukerian,

Aima Mangat, Tehsil Mukerian, Distt. Hoshiarpur and Village Rajpur, Tehsil and Distt. Jalandhar. 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");

i) CWP No. 17527 of 2013: 2 Kanals comprised in Khatoni No. 88, 272, 468, 668, Khasra no. 45//15/2, 28, 45//16/2, 14/3 situated within the

revenue estate of village Usman Shaheed, Tehsil Dasuya, Distt. Hoshiarpur.

ii) CWP No. 17529 of 2013: 1 K. 7 M. comprised in Khewat No. 414, Khatoni No. 522, Khasra no. 36//12/3 situated within the revenue estate

of village Dugri-Rajputan, Tehsil Mukerian, Distt. Hoshiarpur.

iii) CWP No. 17608 of 2013: About 13 Marlas comprised in Khatoni No. 408, Khasra no. 18//1/1/2/2, 18//2/1/2 situated within the revenue

estate of village Dala, Tehsil Dasuya, Distt. Hoshiarpur.

iv) CWP No. 17611 of 2013: 6 Marlas comprised in Khasra no. 127//2/2 situated within the revenue estate of village Sanaura, Tehsil and Distt.

Jalandhar.

v) CWP No. 17627 of 2013: 3 K. 12 M. comprised in Khatoni No. 438/1, Khasra no. 17//5/2/1, 17//6, 17//23/1 situated within the revenue

estate of village Dala, Tehsil Dasuya, Distt. Hoshiarpur.

vi) CWP No. 17639 of 2013: 7 K. 2 M. comprised in Khasra no. 7/5/1, 5/2, 7/5/3, 7/6 situated within the revenue estate of village Aima Mangat,

Tehsil Mukerian, Distt.

Hoshiarpur.

3. The award was passed in CWP Nos. 17527, 17608 and 17627 of 2013 on 28.1.2009; in CWP No. 17529 of 2013 on 21.7.2011; in CWP

No. 17611 of 2013 on 14.2.2011 and in CWP No. 17639 of 2013 on 15.2.2011, respectively, by the Commissioner, Jalandhar Division, as an

Arbitrator. The petitioners in all the cases have received the compensation awarded by respondent no. 3 i.e. 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 as well for

the grant of solatium and interest in accordance with the law laid down by this Court in the above cited decision in Golden Iron and Steel

Forgings's case (supra). The writ petitions are accordingly disposed of with a direction to the respondents 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 within a period of one month thereafter.

Dasti.