
(1984) 07 P&H CK 0052
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4414 of 1982

Inder Singh

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 24-07-1984

Acts Referred:

Citation : (1985) 1 CurLJ 415 : (1985) ILR (P&H) 301 : (1985) PLJ 34 : (1985) RRR 599

Hon'ble Judges : G.C.Mital, J

Advocate : D.S. Walia, Advocate., Advocates for appearing Parties

Judgement

G.C. Mital, J.(Oral)

1. This order will dispose of six Civil Writ Petition Nos. 4414 and 4581 of 1982, 122, 123 and 2652 of 1983 and No. 346 of 1984, as common questions arise therein.

2. The land belonging to the petitioner was acquired for Defence purposes under section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter called the Act), vide notification published in the Gazette dated June 12, 1964. No agreement was reached between the parties about the fixation of the market price of the acquired land. However, certain amount was offered to the claimants which they accepted under protest. The case for fixation of compensation remained pending. Section 8(1) of the Act provides for payment of compensation, whereunder two methods are provided for fixation of the same one by agreement of the parties and in case agreement is not arrived at, the Central Government has to appoint an Arbitrator for fixing the compensation. The Arbitrator has to be a person qualified for appointment as Judge of the High Court. Since the Arbitrator was not being appointed, the petitioners have come to this Court in these writ petitions for issuing of a writ of mandamus for appointment of an Arbitrator. They have also sought directions that they should be paid 15 per cent solatium and 6 per cent per annum interest as ruled by this Court in Hari Krishan Khosla (decd.) and others v. The Union of India and

another, AIR 1975 Pb. & Hy. 74.

3. The writ petition is contested and it is pleaded that the petitioners had accepted the amount of compensation without protest. However, on a reading of the written statement, it is clear that it is not pleaded if any agreement was reached between the parties about the quantum of the compensation. Law is clear that in the absence of agreement for the compensation, the matter has to be decided by an Arbitrator and it is the duty of the Central Government to appoint the Arbitrator.

4. In a similar situation, R.N. Mital, J. allowed C.W.P. No. 752 of 1974 (Kesho Dass v. Union of India etc., on October 18, 1974,) along with other connected writ petitions and issued a writ of mandamus directing the Central Government that is, respondent No. 1, to appoint an Arbitrator under section 8 of the Act and refer the matter to him for fixation of the compensation and to pay solatium at the rate of 6 per cent per annum from the date of acquisition till payment of the same. I find that the present cases are on all fours with the aforesaid decision.

5. For the reasons recorded above, all these writ petitions are allowed with costs (counsel fee Rs. 100/ in each case) and respondent No. 1 is directed to appoint an Arbitrator under section 8 of the Act within a period of three months from today. The Arbitrator shall award 15 per cent solatium and 6 per cent per annum interest to the claimants as was directed in Kesho Dass's case (supra).