
(2013) 07 P&H CK 0291
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 16367 of 2013

Rachhpal Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 31-07-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 23, 28

Citation : (2013) 07 P&H CK 0291

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

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.

2. Let two copies each of the writ petition be supplied to learned counsel for the respondents 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.

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

4. The petitioners are residents of different villages, namely, Usman Shaheed, Harshi Pind, Gobind Nagar, Urmar, Darapur and Bainsawan, Tehsil Dasuya, District Hoshiarpur and village Kharal Kalan, Tehsil and District 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");

5. The award was passed in all the cases on 28.1.2009 (except CWP Nos. 16400

of 2013 and 16416 of 2013 in which award was passed on 25.7.2011 and 26.8.2009, respectively) by the Commissioner, Jalandhar Division, as an Arbitrator. However, in CWP No. 16394 of 2013, no award has been passed by the Arbitrator. All the petitioners have received the compensation as awarded by respondent No. 3, i.e. Competent Authority.

6. 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 along with that of the petitioners. In fact, the petitioners in the first case (CWP No. 7457 of 2012) are residents of same Village Darapur to which some of the petitioners in those cases belonged.

7. 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.

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 not in dispute. Similarly, the fact that the benefit of solatium and interest has been extended 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 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.