
(2016) 08 SC CK 0112

In the Supreme Court Of India

Case No : Civil Appeal No (S) . 10553 of 2011 With (Civil Appeal No (S) .8874-8883 of 2013, Civil Appeal No (S) .8884 of 2013, T.P. (C) No. 1160 of 2014, T.P. (C) No. 1257 of 2014, T.P. (C) No. 958 of 2015, T.P. (C) No. 1394 of 2015, T.P. (C) No. 1143 of 2014, SLP

Sunita Mehra

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 11-08-2016

Acts Referred:

Land Acquisition Act, 1894 — Section 23(2), 28

Citation : (2016) 8 Scale 582

Hon'ble Judges : Ranjan Gogoi and Prafulla C. Pant, JJ.

Bench : Division Bench

Advocate : Mr. Ranjit Kumar, Solicitor General, Mr. Ravi Kini, Mr. T.S. Sidhu, Mr. Sumit Gupta, Ms. Gunjan S. Jain, Mr. Mukesh Kumar, Mr. Karan Grover, Advocates, for the Appellant; Mr. Parag P. Tripathi, Sr. Adv. Mr. Sumit Gupta, Ms. Kanika Tandon, Ms. Mishika Bajpai, Ms. Momota Devi Oinam, Mr. K. C. Dua, Mr. Ashok Mathur, Mr. R.C. Kaushik, Mr. P.V. Dinesh, Mr. B. Subrahmanya Prasad, Ms. V.S. Lakshmi, Mr. A. Venayagam Balan, Mr. Anup Jain, Mr. Ravindra Bana, Mr. Nitinjya Chaudhary, Mr. Aatreya Singh and Mr. Kaushik Poddar, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

Civil Appeal No(S). 10553 of 2011

1. We have heard the learned counsel for the parties and perused the relevant material.
2. The challenge in this appeal is to the acquisition proceedings under the provisions of the National Highways Act, 1956 on twin grounds.
3. First of all, it was contended that the description of the land sought to be acquired was vague. The same contention on similar facts had been decided by the High Court in another proceeding referred to in the impugned order i.e. Writ

Petition (C) No.8178 of 2009 titled Lal Mani Jain v. Union of India. The said petition has been dismissed by the High Court and the special leave petition against the order of the High Court has also been dismissed. Insofar as validity of the provisions of the Act is concerned, the High Court took note of the fact that as the issue is pending before this Court in Civil Appeal No.10695 of 2011 titled Golden Iron & Steel Forgings v. Union of India & Ors. whatever final order would be passed by this Court in the Golden Iron & Steel Forgings v. Union of India & Ors. would govern the appellants' case also. The aforesaid appeal i.e. Golden Iron & Steel Forgings v. Union of India & Ors. is awaiting decision of this Court.

4. In the above circumstances, we find no ground to interfere with the impugned order of the High Court. The civil appeal is accordingly disposed of in the above terms.

Civil Appeal Nos. 8874-8883 of 2013

5. We have heard the learned counsels for the parties.

6. The only point agitated before us by the learned Solicitor General is that in paragraph 23 of the impugned judgment of the High Court, it has been held that land-owners would "henceforth" be entitled to solatium and interest as envisaged by the provisions of Sections 23 and 28 of the Land Acquisition Act, 1894. In the ultimate paragraph of the impugned judgment it has, however, been mentioned that in respect of all acquisitions made under the National Highways Act, 1956, solatium and interest in terms similar to those contained in Sections 23(2) and 28 of the Land Acquisition Act, 1894 will have to be paid.

7. Learned Solicitor General has pointed out that there is an apparent inconsistency in the judgment, which needs to be clarified. It has also been submitted by the learned Solicitor General that the order of the High Court should be clarified to mean that the issue of grant of interest and solatium should not be allowed to be reopened without any restriction or reference to time. Learned Solicitor General has particularly submitted that to understand the order of the High Court in any other manner would not only seriously burden the public exchequer but would also amount to overlooking the delay that may have occurred on the part of the land-owner(s) in approaching the Court and may open floodgates for en masse litigation on the issue.

8. We have considered the submissions advanced. In *Gurpreet Singh v. Union of India*, (2006) 8 SCC 457, this Court, though in a different context, had restricted the operation of the judgment of this Court in *Sunder v. Union of India*, (2001) 7 SCC 211 and had granted the benefit of interest on solatium only in respect of pending proceedings. We are of the view that a similar course should be adopted in the present case also. Accordingly, it is directed that the award of solatium and interest on solatium should be made effective only to proceedings pending on the date of the High Court order in *Golden Iron & Steel Forgings v. Union of India & Ors.* i.e. 28.03.2008. Concluded cases should not be opened. As for future

proceedings, the position would be covered by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (came into force on 01.01.2014), which Act has been made applicable to acquisitions under the National Highways Act, 1956 by virtue of notification/order issued under the provisions of the Act of 2013.

9. With the aforesaid modification and clarification in the order of the High Court, these civil appeals are disposed of.

C.A. No.8884/2013, SLP(C) Nos. 22935/2016, 22911/2016, 22892/2016, 22736/2016, 22938/2016, 22914/2016, 22940/2016, 22913/2016 and 22937/2016

10. In view of the order passed in Civil Appeal Nos.8874-8883 of 2013, these cases are also disposed of in the same terms.

T.P.(C) Nos. 1160/2014, 1257/2014, 958/2015, 1394/2015, 1143/2014

11. We do not entertain these transfer petitions. Accordingly, these are dismissed.

12. However, parties are at liberty to pursue their respective cases before the jurisdictional High Courts for appropriate orders.