
(2020) 11 KL CK 0184

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 26215 Of 2020 (B)

Varghese And Anr

APPELLANT

Vs

Arbitrator (N.H) And District Collector And Ors

RESPONDENT

Date of Decision : 27-11-2020

Acts Referred:

National Highways Act, 1956 — Section 3j, 23(1A), 23(2A), 28
Constitution Of India, 1950 — Article 14

Citation : (2020) 11 KL CK 0184

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : George Mecheril, K.P. Harish

Final Decision : Disposed Of

Judgement

1. The Apex Court in Union of India and Another v. Tarsem Singh and Others [(2019) 9 SCC 304] held thus:

“We therefore declare that the provisions of the Land Acquisition Act relating to solatium and interest contained in Section 23(1A) and (2) and

interest payable in terms of section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of

Section 3J is, to this extent, violative of Article 14 of the Constitution of India and therefore, declared to be unconstitutional.”

2. Relying on the said judgment and claiming interest on solatium in terms thereof, the petitioners have submitted Exts.P4 and P4(a) representations

which are pending consideration before the 2nd respondent. In similar matters, which came up for consideration before this Court in W.P.

(C).Nos.16794 and 25134 of 2020 and connected matters, this Court had directed the Special Deputy Collector to consider the representations, with

notice to the third respondent. The same course is adopted in the present case also.

The writ petition is disposed of directing the 2nd respondent to consider the representations filed by the petitioners, in the light of the judgments

referred to supra, after hearing the petitioners as well as the 3rd respondent.

Orders shall be passed as expeditiously as possible and at any rate, within

a period of six months from the date of receipt of a copy of this judgment.