

Ajit Singh and Others Vs Union of India and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 18, 2013

Acts Referred: Land Acquisition Act, 1894 & Section 23, 28

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

Bench: Division Bench

Advocate: Satbir Rathore, for the Appellant; Hitesh Kaplish, Central Government Standing Counsel for Union of India Respondent No. 1, Mr. Rishi Kaushal, Advocate for respondent Nos. 2 and Mr. J.S. Puri, Addl. AG for Respondent Nos. 3 and 4, for the Respondent

Final Decision: Disposed Off

Judgement

Surya Kant, J.

Notice of motion.

On our asking, Mr. Ritesh Kaplish, Central Government Standing Counsel, accepts notice on behalf of respondent No. 1; Mr. Rishi Kaushal,

Advocate, accepts notice on behalf of respondent No. 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 and 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, Tehsil Dasuya, District Hoshiarpur and Village Mukerian, Tehsil

Mukerian, District Hoshiarpur and Village Kureshian, Laroya, Tehsil and Jalandhar and Pathankot, Distt. Pathankot. 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. 20604 of 2013:

14 Marlas comprised in Khasra no. 28//8/1/3, 32//20/1/2 situated within the revenue estate of village Usman Shaheed, Tehsil Dasuya, Distt.

Hoshiarpur.

ii) CWP No. 20643 of 2013:

8 Marlas comprised in Khewat No. 60, Khatoni No. 123, Khasra no. 97//3/1 situated within the revenue estate of village Souli-Bhouli, Tehsil

Pathankot, Distt. Gurdaspur (Now Pathankot).

iii) CWP No. 20648 of 2013:

29 Marlas comprised in Khewat No. 186, Khatoni No. 242, Khasra no. 36//1/1/5 and Khewat No. 553, Khatoni No. 714, Khasra no. 36//2/1/2

and Khewat No. 414, Khatoni No. 526 to 529, Khasra no. 36//2/2/2/1, 9/2/1/2, 9/1/1, 2/2/1 situated within the revenue estate of village Dugri

Rajputan, Tehsil Mukerian, Distt. Hoshiarpur.

iv) CWP No. 20698 of 2013:

4 Kanal 8 Marlas comprised in Khasra no. 19//18/2/2, 19//3/2, 23/1, 21/1, 21//3/1/1 situated within the revenue estate of village Laroya, Tehsil

and Distt. Jalandhar.

v) CWP No. 20700 of 2013:

10 Marlas comprised in Khewat No. 57, Khatoni No. 99, Khasra no. 16//12/2 situated within the revenue estate of village Kureshian, Tehsil and

Distt. Jalandhar.

vi) CWP No. 20703 of 2013:

4 Kanal 17 Marlas comprised in Khewat No. 17, Khatoni No. 30, Khasra no. 16//19 and Khewat No. 20, Khatoni No. 34, Khasra No. 6//12

and Khewat No. 18, Khatoni No. 32, Khasra No. 6//22/1 situated within the revenue estate of village Kureshian, Tehsil and Distt. Jalandhar.

3. The award was passed in CWP Nos. 20604 of 2013 on 28.1.2009, in CWP No. 20643 of 2013 on 17.3.2011, in CWP No. 20698 of 2013

on 22.8.2009, in CWP No. 20700 of 2013 on 21.5.2010 and in CWP No. 20703 of 2013 on 15.6.2011 respectively, by the Commissioner,

Jalandhar Division, as an Arbitrator. However, in CWP No. 20648 of 2013 no award has been passed by the arbitrator so far. In all the cases the

petitioners have received compensation awarded by the Arbitrator/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 for the

grant of solatium and interest in accordance with the decision of this Court 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.