
(2014) 07 P&H CK 0447

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 14530 of 2014

Charan Kaur

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: July 25, 2014

Acts Referred:

- Land Acquisition Act, 1894 - Section 23, 28

Citation: (2014) 07 P&H CK 0447

Hon'ble Judges: Surya Kant, J; Lisa Gill, J

Bench: Division Bench

Advocate: Jaideep Verma, Advocate for the Appellant; Jaspal K. Gurna, Central Government Standing Counsel, Rishi Kaushal, Advocate and P.S. Bajwa, Addl. AG, Punjab, Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Surya Kant, J.

Notice of motion.

On our asking, Ms. Jaspal K. Gurna, 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. P.S. Bajwa, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos. 3 & 4.

Learned counsel for the petitioner has handed-over two copies of the petition to each learned State counsel and learned counsel for respondent Nos. 1 and 2.

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

3. The petitioner is resident of Ropar, Tehsil and District Rupnagar. Her land situated within the revenue estate of village Kotla Nihang, Tehsil and District Rupnagar, has been

acquired by respondent Nos. 1 & 2 under the National Highways Act, 1956 (hereinafter referred to as "1956 Act").

4. The Sub Divisional Magistrate/Competent Authority, Gurdaspur, passed the Awards on 13.10.2008 and 13.07.2009.

5. The petitioner's 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 her 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 petitioner also relies 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) and dated 27.9.2012 passed in CWP No. 14642 of 2012 (Prem Kaur versus Union of India and others) 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 petitioner.

6. Another grievance of the petitioner is that besides submission of applications etc., she is 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 withheld only on the plea that no directions have been given by this Court in her case. The aggrieved petitioner has now approached this Court.

7. We have heard learned counsel for the parties at some length and gone through the record.

8. 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 dated 27.09.2012 in Bhag Singh's case (supra), 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).

9. The writ petition is accordingly disposed of in the following terms:-

(i) The petitioner shall move an application before the notified Competent Authority-cum-Land Acquisition Collector, within a period of one month for the grant of afore-said benefits;

(ii) The said Competent Authority will issue notice and call for the records/reply from the National Highway Authority of India;

(iii) The Competent Authority shall thereafter determine whether or not the petitioner(s) is/are entitled to the aforesaid benefits, especially in view the decisions of this Court and the Supreme Court relied upon by the claimants;

(iv) If the petitioner is found entitled to, a self-speaking supplementary award to this effect shall be passed, within a period of four months from the date of filing of the application;

(v) National Highways Authority of India shall be required to disburse the additional amount as per the supplementary Award within a period of two months from the date of passing of the supplementary Award subject to its right to challenge the same before appropriate forum.

10. Disposed of.