



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO-304-1996 (O&M)  
Date of Decision: 11.08.2025**

**Kushal Singh**

**...Appellant**

**VERSUS**

**Union of India and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present : Mr. R.S. Manhas, Advocate  
for the appellant/ landowner

Mr. Arun Gosain, Sr. Standing Counsel for UOI

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**HARKESH MANUJA, J.**

By way of present appeal, challenge has been laid to an award dated 14.07.1995 passed by Arbitrator-cum-Addl. District Judge, Gurdaspur, whereby market value in favour of appellants-landowners on account of acquisition of their land situated in Village Daulatpur, Tehsil and Distt. Pathankot was determined at Rs. 450/- per marla.

2. Briefly stating, the land owned by the predecessor-in-interest of the appellant was acquired under the provisions of Requisitioning and Acquisition of Immovable Properties Act, 1952 (hereinafter referred to as 1952 Act) vide notification dated 22.12.1969 and the landowners were awarded compensation. Being dissatisfied, Reference under Section 8 of 1952 Act was invoked at the instance of landowners which came to be decided by the statutory



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arbitrator on 14.07.1995 and the compensation was determined @ Rs.450/- per marla.

3. By way of present appeal, the abovementioned award/judgment dated 14.07.1995 passed by Arbitrator has been assailed with a prayer for further enhancement of compensation.

4. Learned counsel for the appellant submits that in view of the law laid down by the Hon'ble Apex Court in ***Dilawar Singh and ors. Vs. Union of India and ors.***, reported as (2010) 14 SCC 357, there being delay in appointment of Arbitrator, the appellants/landowners were entitled for grant of solatium and interest. Relevant para 7 thereof, been relied upon by learned counsel for the appellant is extracted hereunder:-

*“7. It is noteworthy that the High Court of Punjab and Haryana has in Union of India v. Inder Singh and Anr. in LPA No. 1918 of 1989 and connected matters upheld grant of solatium and interest in regard to a similar acquisition made in terms of a notification issued in January 1970. While doing so the High Court placed reliance upon its decision in Shankar Singh and Others v. Union of India 1988 (1) PLR 163 Mr. Subramaniam, learned Solicitor General fairly conceded that no appeal has been preferred by the Union of India against the decision in Shankar Singh's case (supra) or that delivered in Union of India v. Inder Singh and Anr (supra). In that view of*



*the matter therefore and having regard to the fact that there was an inordinate delay of 16 years in the appointment of an Arbitrator in the present cases, we have no hesitation in holding that the principle laid down by this Court in the decisions referred to above would entitle the land owners to the benefit of solatium and interest especially when the owners who have lost land in similar circumstances and for the same purpose have been given such a benefit.”*

4.1. Leaned counsel further submits that the market value of the acquired land was also required to be enhanced in the wake of observations made by the learned Court below wherein it was specifically recorded that the acquired land forming part of the revenue estate of Village Daulatpur was situated within the municipal limits of Pathankot and was even surrounded by establishments like College, ITI etc.

5. On the other hand, learned counsel appearing for the respondent Union of India while referring to the decision dated 24.02.1994 passed in Civil Appeal No.3787-1988, titled as ***Union of India Vs. Shri Puran Singh and others***, wherein the present appellant was also party/ respondents, submits that award of solatium and interest was specifically declined and thus at this stage, the appellant was not entitled for the said relief. He also submits that the landowner was not entitled for any enhancement qua the market



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value as the Hon'ble Apex Court in its decision dated 12.02.1996 was pleased to uphold the market value towards the land acquired in Village Daulatpur @ Rs.300/- per marla and thus, the present appeal is liable to be dismissed.

6. I have heard learned counsel for the parties and gone through the paper-book.

7. In the present case, in terms of observations made by the Hon'ble Apex Court vide its decision dated 24.02.1994 passed in Civil Appeal No.3787-1988, wherein the appellant was also party, the award of solatium and interest cannot be granted in his favour. The relevant portion of the decision dated 24.02.1994 is extracted hereunder:-

*“The points raised in this appeal are squarely covered by the judgment in **Union of India Vs. Hari Krishan Khosla** (1993 Suppl. (2) SCC 149). The result is that the claimants under the provisions of the Acquisition and Requisition of Immoveable Property Act, 1952 are no eligible to claim solatium @ 15% and interest @ 6% awardable under the provisions of the Land Acquisition Act. However, under Section 8, the claimant is entitled to seek appointment of an arbitrator to decide the compensation. The learned single Judge of the High Court following the ratio of the Full Bench of the High Court of Punjab & Haryana which was now reversed by this Court in the judgment under reference directed the Government to appoint and refer the matter to the Arbitrator to fix the market value and also solatium and interest @ 15% and 6% respectively on the enhanced market value. As a consequence, the Arbitrator was appointed and in his award dt. March 9, 1987 in Arbitration Case No.*



*16/867, the Arbitrator not only enhanced the market value but also awarded solatium and interest as directed by the single Judge. In view of the law laid down by this Court, it is settled law that the claimants are not entitled to payment of solatium and interest on the market value determined under the Act. Accordingly, the award of the Arbitrator is set aside. The matter now stands remitted to the Arbitrator to fix the market value afresh in the light of the law laid down by this Court in the above case and decide it according to law. The appeal is allowed to the above extent. The parties are directed to bear their own costs.”*

8. Furthermore, once the Hon'ble Apex Court has already upheld the market value @ Rs.300/- per marla qua the land acquired within the revenue estate of Village Daulatpur relating to the acquisition carried out vide notification issued in October 1969 under the provisions of 1952, the appellant whose land was acquired on 22.12.1969 and has already been awarded compensation @ Rs.450/- per marla; the impugned award calls for no interference.

9. The present appeal being devoid of merits, is thus dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.08.2025  
sanjay

( HARKESH MANUJA)  
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether reportable ?	Yes/No