

2025:PHHC:113623



186 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24782-2025 (O&M)
Decided on:-26.08.2025

Malkit Kaur

....Petitioner..

VS.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikram Rathore, Advocate (thr. V.C.) and
Mr. Chander Kant Rana, Advocate
for the petitioner.

HARKESH MANUJA J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India. The limited relief sought is that the respondents be directed to grant 100% solatium alongwith interest to the petitioner as per provisions of Section 30 and The First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*for short, "2013 Act"*) for the land acquired under the National Highways Act, 1956 in view of letters dated 05.06.2015 (Annexure P-2) & 03.02.2016 (Annexure P-3).

2. The claim is based on the guidelines/letter dated 28.12.2017 (Annexure P-4) issued by the Ministry of Road Transport and Highways regarding the grant of benefit of 2013 Act to the landowners.

3. In short, the stand of the petitioner is that certain land owned by her was acquired by NHAI vide Notification dated 05.07.2013 for public purpose of widening and four laning of the National Highway No.15 (Bathinda Section) from 265.700 Km to 287.215 km. The award dated 07.11.2014 was passed by respondent No.3 (Annexure P-1), whereby solatium at 30% was granted alongwith other statutory benefits. The grouse thus is that in view of the abovesaid letter/guidelines, the solatium has to be granted 100% alongwith interest.

4. Learned counsel submits that the award dated 07.11.2014 was passed by respondent No.3 (Annexure P-1), whereby solatium at 30% was granted and the representation dated 21.07.2025 (Annexure P-6) has already been moved to the respondents and the amount was only paid to the petitioner after 01.01.2015 i.e. much after the relevant date i.e. 31.12.2014 fixed by the NHAI and, therefore, the petitioner is entitled for the benefit of 100% solatium, plus interest.

5. Notice of motion.

6. Mr. Suvir Kumar, Advocate accepts notice on behalf of respondent No.2, whereas, Mr. Athar Ahmed, DAG, Punjab, accepts notice on behalf of respondent No.3.

7. Keeping in view the controversy involved, since decision making is incomplete on the representation, there is no requirement as such to call upon for reply on behalf of the respondents as it would delay the proceedings further.

8. Without commenting upon the merits of the case and entitlement of the petitioner, the present writ petition is disposed of with direction to respondent No.3 to take a decision on the representation dated 21.07.2025

(Annexure P-6) and pass a speaking order within a period of two months from the date of receipt of certified copy of the order by associating respondent No.2 with the said process.

9. In case, the petitioner's case is covered under the abovesaid guidelines/letter 28.12.2017 (Annexure P-4), necessary award shall be passed and the amount if so payable, the same be disbursed to the petitioner within a period of three months thereafter. It is open to respondent No.3 to reject the case in case there is any legal impediment and speaking order can accordingly be passed in that case.

10. The writ petition is accordingly, disposed of.

11. Pending application, if any, also stands disposed of.

26.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE