



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

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

125+127

1.

**CR No.3530 of 2024 (O&M)  
Date of Decision: 06.08.2025**

**UNION OF INDIA**

.....Petitioner

**Vs**

**GURDEEP SINGH AND OTHERS**

....Respondents

2.

**CR No.3537 of 2024 (O&M)**

**UNION OF INDIA**

.....Petitioner

**Vs**

**GURDIAL SINGH AND ANR.**

....Respondents

3.

**CR No.3646 of 2024 (O&M)**

**UNION OF INDIA**

.....Petitioner

**Vs**

**GURCHARAN SINGH AND OTHERS**

....Respondents

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

Present: Mr. Vibhor Bansal, Sr. Panel Counsel, UOI with  
Mr. Ishank Bansal, Advocate  
for the petitioner(s).

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**HARKESH MANUJA, J. (Oral)**

1. Vide this common order, CR Nos.3530, 3537 and 3646 of 2024 are being decided wherein similar facts and question of law are involved.

For the sake of brevity, common facts are being taken from CR No.3530 of 2024.

2. Present petition(s) lays challenge to an order dated 29.01.2024 (Annexure P-1) passed by the Court of learned Addl. District Judge, Bathinda-cum-Executing Court whereby objections filed at the instance of



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

the petitioner/judgment-debtor with respect to award of interest on solatium in favour of the respondents/landowners stands declined.

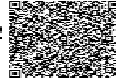
3. Briefly stating, certain land owned by the respondents/landowners within the revenue estate of village Bhucho Kalan, Tehsil and District Bathinda came to be acquired vide notifications dated 08.06.1979 and 26.10.1979 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') respectively. Award No.1 dated 30.03.1981 under Section 11 of the 1894 Act was passed by the Special Land Acquisition Collector having assessed the market value of the land and other components of compensation.

4. Aggrieved thereof, the respondents/landowners sought reference under Section 18 of the 1894 Act which came to be disposed of vide decision dated 29.04.1986 by the Reference Court-cum-Additional District Judge, Bathinda. The operative part thereof is extracted hereunder:-

*"27. From the discussion above the land references of the claimant mentioned in the heading of the judgment are accepted with cost. The market value of the acquired land has been assessed as follows:*

- |    |   |                             |
|----|---|-----------------------------|
| a) | <i>Land abutting on the main road of Bathinda Barnala upto the depth of 500 meters.</i> | <i>Rs.31,000/- per acre</i> |
| b) | <i>Nehri, Chai Nehri/Chai</i>   | <i>Rs.30,000/-</i>          |
| c) | <i>Barani</i>   | <i>Rs.14,000/-</i>          |
| d) | <i>Banjar Qadim</i>   | <i>Rs.8,000/-</i>           |
| e) | <i>Gair Mumkin</i>  | <i>Rs.8,000/-</i>           |

*In addition to the quantum of compensation referred to above, the claimants shall also be entitled to 12% per annum enhancement on such market value for the period commencing on & from the date*



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

*of publication of the notification u/s 4(1) of the act to the date of award of collector to the date of taking possession whichever is earlier u/s 23(1A) of the act 30% solatium u/s 23(2) of the act & also interest at the rate of 9% per annum for a period of one year from the date of taking possession of the acquired land and thereafter at the rate of 15% per annum upto the date of payment if already not given by the collector counsel fee Rs.30/- in each case, memo of cost be prepared.”*

5. Still aggrieved, respondents/landowners invoked Section 54 of the 1894 Act having preferred Regular First Appeal No.440 of 1986 before this Court which came to be decided on 21.05.1987. The operative part thereof is extracted hereunder:-

*“To sum up the above discussion, I determine the market value of the land acquired in the revenue estates of the three villages of Mehna, Bhucho Khurd and Bhucho Kalan as under:-*

- |      |   |                             |
|------|---|-----------------------------|
| i)   | <i>Abadis of village Mehna-Basi Sman Khera, Kharaj Chack and abadi of village Bhucho Kalan</i>        | <i>Rs.70,000/-per acre</i>  |
| ii)  | <i>Land abutting Bathinda-Barnala National Highway upto a depth of 500 meters on its either side.</i> | <i>Rs.70,000/- per acre</i> |
| iii) | <i>Chahi, Nehri and Chahi/Nehri land.</i>   | <i>Rs.37,000/- per acre</i> |
| iv)  | <i>Barani land</i>  | <i>Rs.27.000/- per acre</i> |
| v)   | <i>Banjar, Banjar Kadim and Gair Mumkin</i>   | <i>Rs.15,000/- per acre</i> |

*It is, further made clear that the land-owners shall be entitled to solatium at the rate of 30% of the market value of the acquired land, an additional amount at the rate of 12% per annum under Section 23(1-A) of the Act, and interest at the rate of 9% for a period of one year from the date of their dispossession and at the rate of 15% per annum for the period subsequent thereto till the payment of the total amount of compensation to them.”*



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

6. Later Intra-Court Appeal were preferred at the instance of respondents/landowners as well as petitioner/Union of India and the same were disposed of vide decision dated 30.01.1989. The operative part thereof is extracted hereunder:-

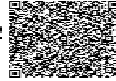
*“In view of this, we do not find any substance in the submission of the learned Senior Standing Counsel. The claimants are entitled to the benefit of sub-section (1-A) of Section 23 as introduced by the Central Act No.68 of 1984.*

*The appeals filed by the claimants are allowed and they are allowed compensation for the land acquired as under:-*

- |      |   |                               |
|------|---|-------------------------------|
| i)   | <i>For the land within the abadi and abutting the National Highway on either side upto the depth of 500 meters.</i> | <i>@ Rs.90,000/- per acre</i> |
| ii)  | <i>For Chahi/Nehri, or Chahi, Nehri Land.</i>   | <i>@ Rs.50,000/- per acre</i> |
| iii) | <i>For Barani land.</i>   | <i>@ Rs.38,000/- per acre</i> |
| iv)  | <i>For Banjar Kadim or Gair Mumkin land.</i>  | <i>@ Rs.30,000/- per acre</i> |

*They will be entitled to the benefit of the Central Amending Act (Act No.68 of 1984) in case the Constitution Bench of the Supreme Court upholds the view expressed in Bhag Singh and others vs. Union Territory of Chandigarh, A.I.R. 1985 Supreme Court 1576, and overrules the view expressed in Kamlajam-manniavaru vs. The Special Land Acquisition Officer, and Vice Versa, A.I.R. 1985 Supreme Court 576. This is subject to court fee paid in the appeal memo. The claimant-appellants will also be entitled to proportionate cost(s). The appeals filed by the Union of India are dismissed.”*

7. Thereafter both the parties went in appeal before the Hon'ble Apex Court and the matter was finally decided on 20.10.1994. The operative part of the said order is extracted hereunder:-



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

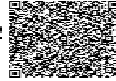
*“The Collector made the award under Section 11 on March 31, 1981. Therefore, the relief of additional compensation at 12% of the market value under Section 23(1-A) of the Act granted by the High Court and the Additional District Judge under the Amending Act 68 of 1984 are illegal and are set aside. However, the award and decree granting enhanced interest and solatium under Section 23(2) and Section 28 of the Act are upheld, as the reference court passed the award and decree under Section 26 on May 30, 1985 i.e. after the Amending Act 68 of 1984 has come into force on September 24, 1984. The appeals filed on behalf of Union of India and States are allowed to the above extent.*

*In the appeals filed by the claimants including appeals arising out of SLP (C) Nos.7799, 7930, 7933, 10143 and 10234 of 1990, we do not find any ground warranting interference by this Court. They are accordingly dismissed.*

*No costs.”*

8. In view of aforesaid determination, the respondents/landowners filed executions wherein a claim was set up with respect to grant of benefit of interest on solatium. Against this, the petitioner/Union of India preferred objections, however the same were dismissed by the Executing Court vide its order dated 29.01.2024, which has been impugned by way of the present petition(s).

9. Learned counsel for the petitioner submits that the respondents/landowners were not entitled for award of interest on solatium as the determination of market value/compensation in case of respondents/landowners became final vide order dated 20.10.1994 passed by the Hon'ble Apex Court which was much prior to the decision rendered by the Hon'ble Apex Court in the case of **Sunder vs. Union of India** reported as '**2001 AIR (Supreme Court) 3516**' decided on 19.09.2001.



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

10. Learned counsel also submits that even the payments in terms of the enhanced compensation stood released in favour of the respondents/landowners much prior to the coming into force of the decision of the Hon'ble Apex Court in the case of **Sunder vs. Union of India** (supra). No other arguments have been addressed on behalf of the petitioner.

11. I have heard learned counsel for the petitioner and have gone through the paper books of the present case(s). I am unable to find substance in the submissions made on behalf of the petitioner.

12. In the facts and circumstances of the present case(s), this Court while adjudicating upon RFA No.440 of 1996 filed at the instance of respondents/landowners specifically and categorically awarded interest on the total amount of compensation. As per law laid down by the Hon'ble Apex Court in case of **Sunder vs. Union of India** (supra), the term compensation includes market value and solatium etc. Relevant observation from the said judgment is reproduced hereunder:-

*“xxx xxx xxx. We make it clear that the compensation awarded would include not only the total sum arrived at as per sub-section (1) of Section 23 but the remaining sub-sections thereof as well. It is thus clear from Section 34 that the expression "awarded amount" would mean the amount of compensation worked out in accordance with the provisions contained in Section 23, including all the sub-sections thereof.”*

13. In such circumstances, once this Court vide its decision dated 21.05.1987 rendered in RFA No.440 of 1986 specifically ordered for grant of interest on the total amount of compensation, the same consciously included the award of interest on solatium as well. It may be noticed here



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

that though the decision dated 21.05.1987 was assailed at the instance of petitioner even in Intra-Court Appeal as well as before the Hon'ble Apex Court, however the award of interest on the total amount of compensation in favour of the respondents/landowners was never set aside or altered at any stage. Even the Hon'ble Apex Court in case of **Gupreet Singh vs. Union of India** reported as '**2008(2) R.C.R. (Civil) 207**' decided on 19.10.2006 made certain observations which go on to help the cause of respondents/landowners; the same are extracted hereunder:-

*“xxx xxx xxx xxx.... But if the award of the reference court or that of the appellate court does not specifically refer to the question of interest on solatium or in cases where claim had not been made and rejected either expressly or impliedly by the reference court or the appellate court, and merely interest on compensation is awarded, then it would be open to the execution court to apply the ratio of Sunder (supra) and say that the compensation awarded includes solatium and in such an event interest on the amount could be directed to be deposited in execution. Otherwise, not. We also clarify that such interest on solatium can be claimed only in pending executions and not in closed executions and the execution court will be entitled to permit its recovery from the date of the judgment in Sunder (September 19, 2001) and not for any prior period...xxx xxx.”*

14. From the facts available on record, it can be discerned that the fresh execution in the present case was preferred at the instance of respondents/landowners on 08.02.2002 whereas the decision in **Gurpreet Singh's** case (supra) was rendered by the Hon'ble Apex Court on 19.10.2006 wherein it was observed that once the execution preferred at the instance of respondents/landowners was pending, they were entitled for award of interest on solatium in the similar given circumstances. Even, this Court in RFA No.440 of 1986 preferred at the instance of respondents-



CR Nos.3530, 3537 & 3646 of 2024 (O&M)

landowners categorically observed with respect of award of interest on the total component of compensation.

15. In view of the discussion made hereinabove, the present revision petitions being devoid of merits are accordingly dismissed. Pending application(s), if any shall also stand disposed of.

**August 06, 2025**

*Atik*

**(HARKESH MANUJA)  
JUDGE**

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