



121 (3 cases)

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

**(1) Civil Writ Petition No. 2187 of 2018 (O&M)  
Date of Decision: 23.04.2026**

Amarinder Singh and others  
..... Petitioners

**Versus**

Union of India and others  
..... Respondents

**(2) Civil Writ Petition No. 2567 of 2018 (O&M)**

Swaran Kanta and others  
..... Petitioners

**Versus**

Union of India and others  
..... Respondents

**AND**

**(3) Civil Writ Petition No. 915 of 2018 (O&M)**

Satpal Bhatheja and others  
..... Petitioners

**Versus**

Union of India and others  
..... Respondents

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

Present: Mr. Tushar Sharma, Advocate with  
Mr. Shourya Arora, Advocate  
for the petitioners (in CWP-2187-2018)

Mr. Karan Gupta, Advocate  
for the petitioners (in CWP-2567-2018)

Mr. Suvir Sidhu, Advocate with  
Mr. Satinderpal Singh Dhanesar, Advocate and  
Mr. Jashandeep Singh Bains, Advocate  
for the petitioners (in CWP-915-2018)

Mr. Suvir Kumar, Advocate  
for the respondent(s)-NHAI (in all cases).

Mr. Gunjan Mehta, Additional Advocate General, Punjab  
for the official respondent(s)-State of Punjab.

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

This order shall dispose off the present three (03) writ petitions bearing CWP Nos. 2187, 2567 and 915 of 2018, as the same involve common questions of law and facts. For the sake of convenience, the facts are being culled out from CWP No. 2187 of 2018.

[2] In CWP No. 2187 of 2018, prayer has been made for setting aside of:

- a) Award dated 18.09.2017 passed by respondent No. 3-Competent Authority for Land Acquisition, Bathinda (***hereinafter referred to as “CALA”***), whereby the market value with respect to the acquired land forming part of Village Gill Patti (Urban), Tehsil & District Bathinda, was assessed at the rate of Rs. 2,870/- per square yard for residential area.
- b) corrigendum dated 18.09.2017 and
- c) corrigendum dated 19.09.2017

[3] Briefly stating, some land owned by the petitioners forming part of the revenue estate of Village Gill Patti, Tehsil & District Bathinda was previously acquired vide notifications dated 05.07.2013 & 04.02.2014 issued under Sections 3-A & 3-D of the National Highways Act, 1956 (***for short “1956 Act”***) respectively for the public purpose, namely *“for building (widening / four-laning etc.), maintenance, management and operation of National Highway No. 15, in the stretch of land from Km 265.700 to Km 287.215 (Bhatinda Section) in District Bhatinda”*. Award under Section 3G

of the 1956 was passed by respondent No. 3/CALA on 07.11.2014 and the market value for the residential nature of the property in Village Gill Patti was assessed at the rate of Rs. 17,851.20/- per square yard.

[4] Later, vide subsequent notification dated 08.09.2016 issued under Section 3-A of the 1956 Act; followed by notification dated 15.02.2017 issued under Section 3-D of the 1956 Act respectively, some more land owned by the petitioners, forming part of the same revenue estate of Village Gill Patti (Urban) which was of residential nature, was acquired for the same public purpose, i.e. *"for building (widening / four-laning etc.), maintenance, management and operation of National Highway No. 15, in the stretch of land from Km 265.700 to Km 287.215 (Faridkot-Kotpura-Bathinda including Faridkot-Kotpura Bypass section) in the District of Bhatinda"*. The CALA vide award dated 18.09.2017 assessed the market value of residential land at Village Gill Patti at the rate of Rs. 2870/- per square yards. On the same day, a corrigendum was issued making certain corrections in the calculations and thereafter another corrigendum was issued on 19.09.2017 making further corrections.

[5] Dissatisfied with the above award dated 18.09.2017, the petitioners filed the present writ petition(s).

[6] Impugning the aforesaid award dated 18.09.2017, the short and material grouse raised on behalf of the petitioners is that respondent No.3/CALA, while making assessment of compensation, failed to take into consideration the previous award dated 07.11.2014 which related to the prior acquisition of the land owned by the petitioners forming part of the same revenue estate of Village Gill Patti. Ld. Counsel for the petitioner contends that the land acquired under the earlier award was of similar nature, i.e.

residential, and the market value thereof was assessed by the CALA at the rate of ₹17,851.20 per square yard. Learned counsel further submits that the subsequent acquisition proceedings pertained only to the land which ought to have been acquired under the first notification itself, but could not be so acquired due to an error on the part of the respondents while widening the existing road. It is, thus, argued that the petitioners at least are entitled to the same amount of compensation as was awarded in the previous acquisition vide award dated 07.11.2014. Learned counsel for the petitioners, therefore, submits that the award passed by respondent No. 3 is liable to be set aside.

[7] On the other hand, learned counsel for the respondent(s)-NHAI submits that since the award dated 18.09.2017 in the present case was passed in terms of Explanation 3 to Section 26 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (**hereinafter referred to as “2013 Act”**), and therefore, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district was not to be taken into account and as such, relying upon the same, respondent No. 3/ CALA rightly did not consider the previous award dated 07.11.2014 for the purpose of determination of the market value in the case in hand in relation to the present acquisition. For reference, Section 26 of the 2013 Act is extracted hereunder:-

(1) *The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-*

(a) *the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or*

(b) *the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or*

*(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:*

*Provided that the date for determination of market value shall be the date on which the notification has been issued under section II.*

*Explanation 1. - The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.*

*Explanation 2. - For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.*

***Explanation 3. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.***

*Explanation 4. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.*

(2) *The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.*

(3) *Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—*

*(a) the land is situated in such area where the*

*transactions in land are restricted by or under any other law for the time being in force in that area; or*

*(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or*

*(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,*

*the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:*

*Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent, of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:*

*Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):*

*Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:*

*Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational*

*institutions of their choice.”*

[7.1] Learned counsel for the respondent(s)-NHAI thus submits that the award dated 18.09.2017 passed by respondent No. 3-CALA in terms of Explanation 2 to Section 26 of the 2013 Act by taking into account the average sale price against one half of the total number of sale deeds fetching highest sale price was wholly justified and in consonance with the provisions of Section 26 of the 2013 Act and as such, calls for no interference. Learned counsel for the respondents further contends that against the award of respondent No.3/CALA, the petitioners were having the remedy to pursue arbitration in terms of Section 3-G(5) of the 1956 Act, therefore the present writ is not maintainable and is liable to be dismissed outrightly.

**DISCUSSION AND REASONING**

[8] I have heard learned counsel for the parties and considered their respective submissions.

[9] Before proceeding further, it is necessary to re-capitulate the notifications dated 05.07.2013 & 08.09.2016 issued under Sections 3-A of the 1956 Act pertaining to the revenue estate of Village Gill Patti, which, as per comparative chart, are extracted hereunder:-

<b>Village</b>	<b>Notification under Sections 3-A; 3-D</b>	<b>Area</b>	<b>Public Purpose</b>	<b>LAC Award Date / Amount for residential kind of land</b>
Gill Patti	05.07.2013; 04.02.2014	8.45 hectares was sought under Section 3-D;  7.20 hectares was only acquired under	<i>For building (widening / four-laning etc.), maintenance, management and operation of National</i>	07.11.2014 & Rs. 17851.20 per square yard

		Section 3G	<i>Highway No. 15, in the stretch of land from Km 265.700 to Km 287.215 (Bhatinda Section) in District Bhatinda</i>	
Gill Patti	08.09.2016; 15.02.2017;	1.5969 hectares	<i>For building (widening / four-laning etc.), maintenance, management and operation of National Highway No. 15, in the stretch of land from Km 265.700 to Km 287.215 (Faidkot-Kotpura-Bathinda including Faidkot-Kotpura Bypass section) in the District of Bhatinda</i>	18.09.2017 & Rs. 2870/- per square yard

[10] A perusal of the record reveals that vide notification dated 04.02.2014 issued under Section 3D, land measuring 8.45 acres was acquired for widening of the National Highway. However, the area of land ultimately notified under Section 3G for the said village was only 7.20 acres. Further, vide award dated 07.11.2014, the market value was assessed on the basis of the report submitted by the District Price Fixation Committee, which indicates that the procedure adopted by respondent No. 3/CALA for determination of market value was akin to the procedure adopted under the

Land Acquisition Act, 1894. Subsequently, the determination of market value in respect of the later acquisition, culminating in award dated 18.09.2017, was admittedly carried out in accordance with the procedure prescribed under Section 26 of the 2013 Act. However, in the facts and circumstances of the present case, the plea raised on behalf of the respondents seeking reliance upon Explanation 3 to Section 26, for disregarding the previous award dated 07.11.2014 while assessing compensation, cannot be accepted for the reasons recorded hereinafter.

[11] A comparative perusal of both the awards shows that the land acquired under both acquisition proceedings formed part of the same revenue estate of Village Gill Patti, was of the same nature, i.e. residential, and was acquired for the same public purpose, namely, widening of National Highway No. 54 (earlier NH-15). It is pertinent to note that in the award dated 18.09.2017, the same has been described as a “Supplementary Award”, while the earlier award dated 07.11.2014 has been referred to as the “Parent Award” therein. Even in subsequent notification dated 22.04.2017, it was specifically recorded that the notifications issued under Section 3A dated 08.09.2016, Section 3D dated 15.02.2017 and Section 3G dated 22.04.2017 were supplementary proceedings to Award No. 1 dated 07.11.2014. Relevant portion of the said notification is reproduced hereunder:

*“It is inform that in exercise of the powers conferred by sub-section (1) of section 3(D) of the National Highways Act, 1956 (48 of 1956) and further in pursuance of sub section (2) of section 3(D) of the said Act, the Central Government vide Gazette Notification no. S.O. 519(E) dated 15.02.2017, has declared that on publication of this notification, the land specified in the schedule of the notification no. S.O. 519(E) dated 15.02.2017*

*published in the Gazette of India, extraordinary, Part-II, Section 3 sub section (ii), shall vest absolutely in the Central Government free from all encumbrances, for building(widening/four laning, etc) maintenance, management and operation of National Highway no.15(New NH-54) on the stretch of land from Km 265.700 to 287.215 (Section Faridkot-Kotkapura-Bathinda Road) in the District of Bathinda in the state of Punjab. **Clarification is made that earlier published 3A, 3D and current 3G are supplementary proceeding pertaining to Award No. 1 of 2014-dated 07.11.2014”***

[11.1] These facts clearly establish that the object behind both acquisitions was one and the same, namely widening of NH-54, and insofar as the stretch of road passing through Village Gill Patti was concerned, the intended widening was up to a depth of 15 metres. Ideally, the entire width of the road ought to have been acquired in one go; however, due to errors in calculation on the part of the local revenue staff of respondent No. 2, the land was acquired only partially. Thus, although the acquisitions were undertaken through separate proceedings, the purpose remained the same, and the landowners whose lands were acquired thereunder constituted one homogeneous class. In such circumstances, the subsequent award dated 18.09.2017 was to be treated as part and parcel of the earlier award dated 7.11.2014 and the respondent No.3/CALA ought to have awarded the compensation in terms of the market value assessed vide award no.1 dated 07.11.2014 by applying suitable appreciation for the time gap between the two acquisitions-notifications under Section 3-A of the 1956 Act.

[12] Even otherwise, in the case in hand, the contention raised on behalf of the respondents, based on Explanation 3 to Section 26 of the 2013 Act, is wholly misplaced. A plain reading of the said Explanation makes it clear that it applies only where the market value is being determined under

Section 26, and in such cases, previous awards passed under this act, i.e. the 2013 Act are not to be taken into consideration.

[12.1] In the present case, however, the previous award dated 07.11.2014 was passed under Section 3G(1) of the National Highways Act, 1956, and the compensation therein was determined in accordance with the provisions of the 1894 Act. Therefore, the said award does not fall within the ambit of the bar contemplated under Explanation 3 to Section 26 of the 2013 Act. Thus, in the absence of any statutory bar against awards passed under statutes other than the 2013 Act, the award dated 07.11.2014 could not have been ignored and the same ought to have been duly relied upon.

[12.2] Moreover, as determined above, since the supplementary award dated 18.09.2017 was to be treated as the part and parcel of the parent award dated 07.11.2014, the determination of compensation in the said supplementary award made in terms of Section 26 of the 2013 Act being erroneous in the humble opinion of this Court; Explanation 3 to Section 26 being applicable only in respect of the market value determined in accordance with the provisions of Section 26, the contention raised on behalf of the respondents by relying upon the same, becomes wholly devoid of merit.

[13] Furthermore, in the letter dated 15.03.2016 issued by respondent No.1 to respondent No.2 as well as to the Principal Secretaries of Public Works Department of all the States and Union Territories, the procedure for acquiring the missing plots/lands from the bulk acquisition had been laid down. It was specifically provided therein that, in such cases, the missing land or plots shall be acquired through consent, at rates equivalent to the maximum compensation determined by the Competent Authority for

similar land in the adjoining areas, with the landowners also being entitled to any enhancement awarded by the Arbitrator or by the higher Courts.

Relevant portion of the same is reproduced hereunder:

*“ I am directed to say that whenever land is required for the purpose of National Highways, provisions of National Highways (NH) Act, 1956 are invoked. At times, some of the plots have been observed to have been missed from the bulk land acquisition. It is initially due to deviation in the boundaries while interpreting the revenue map, change in khasra number as a result of land consolidation process and poor maintenance of revenue of land and poor records.....*

*2. Proposals have been received from some of the Project Implementation Authorities to acquire these missing plots through private negotiations. It is mainly to avoid delays in handing over the sites to the concessionaries; It is contemplated that if such lands are acquired through NH Act, 1956 it will cause further delay in handing over the sites to the concessionaries. Moreover, this may also result into contractual claims by the contractors. As generally, it is felt that land acquisition of these missing/additional plots through consent would be helpful in several ways to achieve the goals as follows:-*

- a) The land could be taken in possession immediately for implementing the scheme;*
- b) Inherent delays notice in the acquisition of land could be avoided;*
- c)The expenditure incurred on publication of notifications publication under Section 3(a), 3(A) and 3(D) under the NH Act, 1956 in the local newspapers is saved*
- d)These would be no court case challenging a land acquisition causing abnormal delays in the process;*
- e) The lump sum award could be given straight away.*

*Proposal has been considered in this Ministry and it has been decided that the publication of land through consent may be adopted as an exception, preferably oral quantum of land acquisition in a construction package, only in the following:-*

- 1) Missing plots which are left out from the bulk acquisition: and*
- 2) Additional land required due to alternation of alignment at implementation stage.*

*However, for acquiring the land through consent enough protective mechanism is respect of rates to be adopted and establishing the rightful ownership. For this is following procedure/guidelines may be followed henceforth in cases of xx xx consent:-*

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*(iii) The legal owner shall be consulted by the Project Implementing Authority. Prior to their formal consent, the concerned Project Implementation Authority shall process each case and obtain the approval of the Competent Authority. The rates for the consent shall be the maximum of compensation rates declared by the Competent Authority for similar type of land in the adjoining area or the circle rate/guideline value of similar land*

*use, if notified by revenue authorities for such area;*

*(iv) In order not to deprive a land owner who has willingly given his land on mutual consent, of the benefits of an enhanced award which may be declared by an arbitrator and accepted by the Project Implementing Authority subsequent to the date of agreement for sale, the enhancement rate awarded by the arbitrator for the same nature and type of land in adjoining area during bulk acquisition shall be paid to such a landowner.....”*

[14] Moreover, further reading of the award dated 18.09.2017 reveals that the compensation was determined on the basis of assessment made by a committee comprising the Collector Land Acquisition, Tehsil Bathinda, the Executive Engineer, PWD B&R Division-I, and the empanelled Central Government Counsel and respondent No. 3/CALA merely endorsed the determination so made, without independently applying its own mind to the matter. Relevant portion of the said award is reproduced hereunder:

*“The Patwaris produced the Collector Rates and Sale Deeds for the areas under Acquisition on the aforementioned basis for three categories of land being acquired namely, Agriculture, Gair Mumkin Residential and Gair Mumkin Commercial. These were duly endorsed for the Segment Code by the Registry Clerks of Sub tehsils Bathinda vide letter no. 1888/RC dated 14/09/2017 and Goniana vide Letter No.1081 dated 31/08/2017. **The Committee comprising of the Collector Land Acquisition, Tehsildar Bathinda, and the empanelled Central Government Counsel assisting Collector Land Acquisition, examined the Registries that were presented by the Patwaris and the Registry Clerks.** In accordance with Explanation 4 to Section 26, with the help of Google Maps as well as the Patwaris Latha, Registries of khasra numbers that were too far from the area under acquisition were identified and excluded from the three year Chaant as these were found to be not representative of similar type of land to the area being acquired.*

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*..... In order to examine the distance of the revenue estates, the Committee comprising Collector Land Acquisition, Tehsildar Bathinda, XEN PWD B&R Division 1, examined the map of the revenue estates that are part of the Acquisition along with Letter No.1104 dated 19.07.2017 from XEN PWD B&R Division 1; and it was found that Balhar Vinju was the closest revenue estate to Harraipur, Jeeda, Amargarh and Goniana Khurd.....*

*On examining the revenue map and the Letter No.1104 dated 19.07.2017 from XEN PWD B&R Division 1, the Committee found that Bohkhra is situated in between the revenue estates of Gill Patti and Balhar Vinju and thus XEN PWD was tasked with the responsibility of providing the detailed*

*distance map in the case of village Bohkhra. As per the distance map provided by XEN PWD B&R Division 1 dated 14.09.2017, it was made clear that Bohkhra is 1.4 Kms from Gill Patti and 2.2 Kms from Balhar Vinju.....”*

[14.1] Significantly, neither the provisions of the 1956 Act nor those of the 2013 Act contemplate such a procedure for determination of compensation. The respondent No.3/CALA being the statutory authority, the statutory duty to determine the compensation was vested in it which it failed to discharge. In view of such facts and circumstances, the objection raised on behalf of the respondents regarding the maintainability of the present writ petition does not merit acceptance especially when the legal position with regard to the exercise of writ jurisdiction stands well settled through a catena of decisions of the Hon’ble Apex Court wherein it has been held that the writ jurisdiction of the High Court is plenary in nature and may be invoked in appropriate and exceptional cases, and that the existence of an alternative remedy does not constitute an absolute bar to the exercise of such jurisdiction

[15] In this regard, reliance is placed upon the decision rendered in the case of ***Harbanslal Sahnia and another Versus Indian Oil Corpn. Ltd. and others*** reported as ***2003(2)SCC107*** wherein the Hon’ble Apex Court observed as under:

*“ So far as the view taken by the High Court that the remedy by way of recourse to arbitration clause was available to the appellants and therefore the writ petition filed by the appellants was liable to be dismissed, suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies; (i) where the writ petition seeks enforcement of any of the Fundamental Rights; (ii) where there is failure of principles of natural justice or, (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act and is challenged. [See Whirlpool Corporation v. Registrar of Trade Marks, Mumbai and others 1999(1) RCR (Civil) 220 : (1998) 8 SCC 11]. The present case attracts applicability of first two contingencies.*

*Moreover, as noted, the petitioners' dealership, which is their bread and butter, came to be terminated for an irrelevant and non-existent cause. In such circumstances, we feel that the appellants should have been allowed relief by the High Court itself instead of driving them to the need of initiating arbitration proceedings.”*

[15.1] Further, in the case of ***Ram and Shyam Company v. State of Haryana and Others, (1985) 3 S.C.C. 267***, the Hon'ble Supreme Court laid down that ordinarily it is true that the Court has imposed a restraint in its own wisdom on its exercise of jurisdiction under Article 226 where the party invoking the jurisdiction has an effective, adequate alternative remedy. More often, it has been expressly stated that the rule which requires the exhaustion of alternative remedies is a rule of convenience and discretion rather than rule of law. At any rate, it does not oust the jurisdiction of the Court.

[15.2] Even further, the Hon'ble Supreme Court in the case of ***Commissioner of Income Tax and Others v. Chhabil Dass Agarwal, (2014) 1 S.C.C. 603***, spelt out at least five illustrative and non-exhaustive exceptions to the rule of exhaustion of remedies as follows:-

- (i) Where remedy available under statute is not effective but only mere formality with no substantial relief; or*
- (ii) Where statutory authority not acted in accordance with provisions of enactment in question, or ;*
- (iii) Where statutory authority acted in defiance of fundamental principles of judicial procedure, or;*
- (iv) Where statutory authority resorted to invoke provisions which are repealed, or;*
- (v) Where statutory authority passed an order in total violation of principles of natural justice.*

[16] The case in hand falls under exception (ii) as respondent No.3/CALA has not only acted in total violation of the guidelines issued by respondent no.1 vide letter dated 15.03.2016 but has altogether failed to

discharge it's duty in accordance with the provisions of the 2013 Act.

[17] It is a well-established principle of law that where a statute prescribes that a particular act must be performed in a specified manner, the validity of such an act depends upon the same being carried out strictly in that prescribed manner alone. The same was also reiterated in the case of ***State of Kerela and ors. v. Kerela Rare Earth and Minerals Limited and ors*** reported as ***(2016) 6 SCC 323***. Relevant excerpt is reproduced hereinunder:

*“It is well settled that if the law requires a particular thing to be done in a particular manner, then, in order to be valid the act must be done in the prescribed manner alone....”*

[18] In view of the aforesaid factual and legal position, respondent no.4/CALA being the statutory authority vested with the responsibility to determine compensation could not have delegated the same, whether wholly or in part, in the absence of any enabling provision under the 1956 Act or the 2013 Act to that effect. Moreover, vide supplementary award dated 18.09.2017 pertaining to subsequent notification, respondent No. 3/CALA has awarded the compensation which is about 1/6<sup>th</sup> of what was awarded to the petitioners vide award no.1 dated 07.11.2014. Once, the then CALA had awarded a particular amount for their lands to the petitioners under the parent award, respondent No. 3/CALA could not have awarded amount lower than that already awarded. At best, considering the escalation in land prices, the compensation could have been enhanced; however, under no circumstances could a lesser amount have been awarded. The impugned award, having been passed in contravention of the instructions dated 15.03.2016 and *dehors* the statutory mandate, results in hostile

discrimination against the petitioners and, therefore, cannot be sustained in law.

[19] Consequently, the present writ petitions are **allowed**. The award dated 18.09.2017, corrigendum dated 18.09.2017 and the corrigendum dated 19.09.2017 passed by respondent No.4/CALA is set aside and the petitioners are hereby held entitled to the benefits of compensation as awarded vide award dated 07.11.2014. However, since the subsequent award was passed on 18.09.2017 i.e. after 01.01.2015, petitioners are also held entitled for the award of solatium @100% in terms of Section 30 read with Schedule I of the 2013 Act, clause 4.6(iii)(a) of the guidelines dated 28.12.2017 issued by the Ministry of Road Transport and Highways, Government of India and the judgment passed by the Hon’ble Apex Court in the case of *Sanwarmal Singhaniya Memorial Trust & Anr. Vs. National Highways Authority of India (Misc. Application Diary No.45267/2023)*. Further, in terms of the direction issued by the Hon’ble Apex Court in the case of *National Highways Authority of India Vs. Tarsem Singh and others (2026 INSC 291)*, the petitioners are also entitled for interest and interest on solatium from the date of award i.e. 18.09.2017 till the release of interest as well as interest on solatium.

[20] Pending miscellaneous application(s), if any, shall also stand disposed of.

April 23, 2026

'dk kamra'

( HARKESH MANUJA )

JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>