

SITA DEVI WD/O MUKAND LAL

v.

STATE OF HARYANA AND ANR.

DECEMBER 7, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Land Acquisition Act, 1894 :

Ss.23(1), 23(1-A), 23(2), 28—Acquisition of land—Compensation—Solatium—Award made by Collector on 26.11.1976 and by reference court on 10.1.1985—Held, land owner entitled to benefits under the ss.23(2) and 28, but not to benefits under ss.23(1) and 23(1-A).

The appellant filed the appeal against the judgment of the High Court in the case arising out of the award of the Collector dated 26.11.1976 and the reference court dated 10.1.1985.

Disposing of the appeal, this Court

HELD : The appellant is entitled under s.23(2) of the Land Acquisition Act, 1894 to solatium at 30 per cent on enhanced compensation, and interest at 9 per cent on enhanced compensation for one year from the date of taking possession of the land and 15 per cent thereafter till the date of deposit into Court. But she not entitled to adjust interest and solatium from the principal amount of compensation determined under s.23(1) and deposited on the respective dates. She is neither entitled to interest on solatium nor to additional amount under s.23(1-A). [326-D-E; C-D]

Prem Nath Kapoor & Ors. v. National Fertilizers Corporation Ltd. & Ors., [1996] 2 SCC 71, relied on.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 11932 of 1995.

From the Judgment and Order dated 20.2.90 of the Punjab & Haryana High Court in C.R. No. 2651 of 1989.

S.M. Ashri for the Appellant.

Mrs. Sheela Goel and A.K. Goel for the Respondents.

A The following Order of the Court was delivered :

Leave granted.

The award of the Collector under Section 11 of the Land Acquisition Act, 1894 is dated November 26, 1976. The award of the reference Court under Section 26 is dated January 10, 1985. Therefore, the appellant is entitled to the payment of enhanced interest and solatium under Sections 28 and 23(2). The controversy raised in this matter is covered by the recent judgment of this Court delivered on November 29, 1995 [C.A. @ SLP 8494/87] in *Prem Nath Kapoor & Ors. v. National Fertilizers Corporation Ltd. & Ors.*

C In other respects, the appellant is not entitled to adjust interest and solatium from the principal amount of compensation determined under Section 23(1) and deposited on the respective dates. He is also not entitled to interest on solatium. Equally, the appellant is not entitled to additional amount under Section 23(1-A) at 12 cent per annum from the date of notification till date of award or of taking over possession, whichever is earlier. The appellant is entitled under Section 23(2) to solatium at 30 per cent on enhanced compensation. Equally, the appellant is entitled to interest at 9 per cent on enhanced compensation for one year from the date of taking possession of the land and 15 per cent thereafter till date of deposit into court.

E Appeal is accordingly disposed of. No costs.