

KRISHI UTPADAN MANDI SAMITI BULANDSHAHAH ETC.

A

v.

GANGA SAHAI AND ORS. ETC.

JULY 23, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

*Land Acquisition Act, 1894 : Sections 4(1), 11, 23(1-A), 23(2) and 28
(As amended by Act 68 of 1984).*

*Land acquisition—Compensation—Principle for determination
of—Land acquisition for establishing agricultural market—Compensa-
tion—Enhancement by Reference Court—Further enhancement to Rs. 15 per
square yard by High Court—Appeals against enhancement—Held High
Court's view was not based on proper appreciation of evidence—But as there
was no fault involved in determining the compensation no interference was
called for—Award of Reference Court made much earlier to the introduction
of the Amendment Act 68 of 1984—Therefore claimants held not entitled to
enhanced solatium and interest as well as additional amount.*

C

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CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 869-71
of 1993 ETC.

E

From the Judgment and Order dated 18.5.92 of the Allahabad High
Court in F.A. No. 84, 389 and 390 of 1979.

O.P. Rana and Pradeep Misra for the Appellants.

R.C. Verma and A.K. Srivastava for the State.

F

A. Grover, Promod Dayal, Ms. Asha Jain Madan and Mrs. Rani
Chhabra for the Respondents.

The following Order of the Court was delivered :

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Substitution allowed.

Leave granted.

We have heard counsel for the parties. Notification under Section
4(1) of the Land Acquisition Act, 1894 was published on May 25, 1976

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- A acquiring the land in question for the purpose of establishing the agricultural market yard. The award under Section 11 was made by the Collector on May 10, 1977. On reference the Additional District Judge by his award and decree dated September 15, 1979 enhanced the compensation to Rs. 10 per sq. yd. with solatium at 15% and interest at 6%. On appeal, the High Court enhanced the compensation to Rs. 15 per sq. yd. The High Court also enhanced solatium and interest under the Amendment Act 68 of 1984 as well as the additional amount under Section 23(1-A). Thus these appeals by special leave.

- C It is not necessary to dilate upon all the facts but the point that another Division Bench had followed the earlier order and awarded common market value to all the lands. Though Shri O.P. Rana, learned senior counsel, is right that in the first case the Division Bench had not given cogent reason for enhancement of the market value from Rs. 10 to Rs. 15 sq. yd., we find that the reference Court had given various reasons for confining to the market value at Rs. 10 per sq. yd. Though the basis under which the market value was determined by the High Court was not after proper appreciation of evidence, the principle involved in determining the compensation cannot be faulted. Though we are not satisfied with the reasoning of the Division Bench, we are not inclined to interfere with the enhancement of the compensation to Rs. 15 per sq. yd. However, the claimants are not entitled to the enhanced solatium and interest and also the additional amount since the reference Court had made the award and decree on September 15, 1979 that is much earlier to the introduction of the Amendment Act 68/1984. Therefore, the enhancement of 30% solatium, interest at 9% for one year from the date of taking possession and 15% thereafter till date of deposit and also of additional amount under Section 23(1-A) stands set aside. Instead, the claimants will be entitled to solatium at 15% and interest at 6% on enhanced compensation from the date of taking possession till date of deposit as ordered by this Court in the interim order.

- G The appeals are accordingly disposed of. No costs.

T.N.A.

Appeals disposed of.