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SESHAN AND ORS.

v.

THE SPECIAL TEHSILDAR AND LAND ACQUISITION
OFFICER, SIPCOT, PUDUKKOTTAI

B

JANUARY 30, 1996

[K. RAMASWAMY, S.S. SAGHIR AHMAD
AND G.B. PATTANAIK, JJ.]

Land Acquisition Act, 1894 :

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Sections 23(2), 34—Award made after the introduction of Amendment Act 68 of 1984—Hence claimants entitled to interest @ 9% p.a. from the date of taking possession till date of award—Also entitled to interest @15% p.a. on enhanced compensation after expiry of one year, and on the enhanced compensation—Claimants are also entitled to Solatium @ 30% on the additional amount.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2938 of 1996.

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From the Judgment and Order dated 9.8.89 of the Madras High Court in A.S. No. 572 of 1985.

V. Balachandran for the Appellants.

A. Mariarputham and Mrs. Aruna Mathur for the Respondent.

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The following Order of the Court was delivered :

Leave granted.

We have heard the learned counsel on both sides.

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Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 17th October, 1981. The possession of the land was taken in January 1982. The land Acquisition Officer in his award dated July 31, 1982 determined compensation @ Rs. 2,000 per acre. On reference, the civil Court by award and decree dated November 7, 1983 enhanced the compensation to Rs. 4,000 per acre. On appeal, the High Court by judg-

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ment and decree dated August, 9, 1989 enhanced the compensation to Rs.6,000 per acre and awarded interest under the unamended Act as per the State amendment, thus this appeal by special leave. A

In view of the fact that the Land Acquisition officer has made the award on July 31, 1982, i.e., after the introduction of the Amendment Act 68 of 1984 on the floor of the Parliament, the claimants are entitled to interest under Section 34@ 9% per annum from the date of taking possession till date of payment or deposit in the Court. They are entitled to interest @ 15% on compensation not paid or deposited after the expiry of one year. Equally so on the enhanced compensation from the respective dates till the date of deposit in the Court. Equally, solatium @ 30% under Section 23(2) is required to be deposited on the market value. B C

The appeal is accordingly allowed to the above extent. No costs.

G.N.

Appeal allowed.