

THE STATE OF MADHYA PRADESH

v.

HIRALAL AND ORS.

JANUARY 15, 1996

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

*Land Acquisition Act, 1894 :*

*Compensation—Held, claimants not entitled to the benefit of the provisions of the Act as amended by Act 68 of 1984—Instead they are entitled to solatium at 15% and interest at 6% on the enhanced compensation from the date of taking possession till date of deposit.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2414 of 1996.

From the Judgment and Order Dated 13.11.87 of the Madhya Pradesh High Court in Civil Miscellaneous No. 45 of 1974.

Sakesh Kumar and S.K. Agnihotri for the Appellant.

The following Order of the Court was delivered :

In view of the office report, it would be clear that the respondents obviously managed to have the notice returned with postal remarks "not available in the house", "House locked" and "shop closed" respectively. In that view, it must be deemed that the notices have been served on the respondents.

Leave granted.

The controversy raised in this case is covered by an order of this Court dated August 2, 1995 made in Civil Appeal arising out of SLP (C) No. 9048 of 1988. We have heard the counsel for the appellant and following the judgment passed by this Court, we held that the respondents are not entitled to the benefit of the provisions of Land Acquisition Act, 1894, as amended by Act 68 of 1984. Instead, they are entitled to solatium at 15% and interest at 6% on the enhanced compensation from the date of taking possession till date of deposit.

The appeal is accordingly allowed but, in the circumstances without costs.

Appeal allowed