

A UNION OF INDIA AND ANR.
v.
KARAM SINGH AND ORS.

APRIL 7, 1997

B [K. RAMASWAMY AND D.P. WADHWA, JJ.]

Requisitioning and Acquisition of Immovable Property Act, 1952 : Section 7.

Code of Civil Procedure, 1908 : Sections 151 and 152.

Acquisition of Property for public purpose—Award of compensation for—Respondents' application for grant of enhanced solatium and interest allowed in view of Amendment Act 68 of 1984—Revision preferred by State dismissed by High Court—Appeal before Supreme Court—Held—Under the Requisitioning and Acquisition of Immovable Property Act, there is no provision to pay enhanced solatium and interest—Amendment Act 68 of 1984 has no application—The District Court has no jurisdiction to amend the award and to grant solatium and interest exercising the power under Sections 151 and 152 of the Code of Civil Procedure—The High Court, therefore, has committed manifest error of jurisdiction in not removing the error committed by the Tribunal.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 2942-49
of 1997.

F From the Judgment and Order dated 13.5.83 of the Punjab & Haryana High Court in C.R. Nos. 1220-27 of 1987.

Mrs. K. Amreshwari, Wasim A. Qadri and Mrs. Anil Katiyar for the Appellants.

G Mrs. S. Bagga and Tanuj Bagga for the Respondents.

The following Order of the Court was delivered :

Delay condoned. Substitution ordered.

H Leave granted.

We have heard learned counsel on both sides.

A

Under Section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952, the property in question was acquired for public purpose. The Land Acquisition Collector determined the compensation which the respondents had received under protest; and on being dissatisfied the respondents filed objections and arbitrator was appointed who, by his Award dated July 6, 1982, enhanced the compensation at different rates. On appeal, the learned Single Judge set aside the award of the arbitrator and awarded the enhanced compensation uniformly at the rate of Rs. 3,000 per kanal. Letter Patent Appeal against the same was dismissed on 10th January, 1985. It appears that the amount awarded was deposited in court on March 14, 1986.

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However, on January 2, 1987 the respondents filed an application under Sections 151 & 152 of the Code of Civil Procedure before the District Judge for direction to grant enhanced solatium and interest in view of the Amendment Act, i.e., Act 68 of 1984 which was allowed. On revision the High Court by the impugned order dated 13th May, 1987, dismissed the same. Thus, this appeal by special leave.

D

It is now well settled legal position in law that under the Requisitioning and Acquisition of Immovable Property Act, there is no provision to pay enhanced solatium and interest; and Amendment Act, i.e. Act 68 of 1984 has no application. It is also well settled legal position that the grant of solatium and interest is an integral part of the process of determination of compensation. The district Court has no jurisdiction to amend the award and to grant solatium and interest exercising the power under Sections 151 and 152 of the Code of Civil Procedure. It is a case of inherent lack of jurisdiction. The High Court, therefore, has committed manifest error of jurisdiction in not removing the error committed by the Tribunal.

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Under the circumstances the appeals are allowed to the extent of grant of enhanced solatium and interest, but in the circumstances, without costs.

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T.N.A.

Appeals allowed.

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