

UNION OF INDIA
v.
KISHAN CHAND AND ORS.

OCTOBER 11, 1996.

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

Land Acquisition Act, 1894 :

Sections 23(1-A), 23(2) and 28—Enhanced solatium interest and additional benefits—Held : Since the Reference Court had decided the matter in December, 1973, claimants not entitled to the said benefits—Instead they are entitled to interest at 6% on enhanced compensation and solatium at 15%.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 13264 of 1996.

From the Judgment and Order dated 30.7.86 of the Delhi High Court in R.F.A.No. 82/85 in C.M.P. No. 245 of 1985.

N.N. Goswami, Ms. Sushma Suri and Ms. Padma Priya for the appellants.

The following Order of the Court was delivered :

Delay condoned.

Leave granted.

Notice on respondents 2, 3 and 4 to 20 has been returned with postal remarks "Address Incomplete". Notice on respondent No.22 has been served. Under these circumstances, notice must be deemed to have been served on them. They are not appearing either in person or through counsel. Notice was limited only to the issue of applicability of the provisions of Amendment Act 68 of 1984.

Notification under Section 4[1] of the Land Acquisition Act, 1894 was published on October 24, 1961. The Land Acquisition Officer by his award had granted compensation @ Rs.2,500 per bigha. On reference, the Additional District Judge by his award and decree dated December 19, 1973 enhanced the compensation @ Rs.5,000 per bigha. The High Court

- A on appeal while enhancing the compensation to Rs.12000 per bigha has given the benefits of the Amendment Act 68 of 1984 by enhancing the solatium and interest and additional amount. In view of the fact that the reference Court had decided the matter in December 1973 the respondents are not entitled to the benefits of the enhanced solatium and interest and additional benefit under Sections 23 [2], 28 and 23 [1-A].
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The appeal is accordingly allowed to the above extent. Instead, the claimants are entitled to interest @ 6% on the enhanced compensation and solatium at 15%. The judgment of the High Court is accordingly modified. No costs.

C G.N.

Appeal allowed.