
(2000) 07 SC CK 0105

In the Supreme Court Of India

Case No : Civil Appeal No's. 4307-4322 of 2000

Spl. Tahsildar, Land Acq.

APPELLANT

Vs

Nallamadan and Others

RESPONDENT

Date of Decision : 31-07-2000

Acts Referred:

Citation : (2000) 07 SC CK 0105

Hon'ble Judges : R.P. Sethi, J;K.T. Thomas, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Substitution allowed.

2. Leave granted.

3. The direction to deposit the amount with permission to the claimants to withdraw is now challenged by the Appellant, evidently because the amount had swelled up to a very huge one. It is pointed out that the original notification was of the year 1962, but the market value was fixed as on 1992. This is the premise on which the stay was seriously pressed. Mr. S. Sivasubramaniam, learned Senior Counsel submits that the, said premise is not correct. This dispute is a matter for the High Court to resolve at the final stage. If finally the High Court upholds the award passed by the Reference Court the beneficiary would be the claimants. Even if the amount is not deposited at present they would get interest added to the amount in accordance with the rate prescribed under the Act and not in accordance with the rate of interest prevailing now in Bank transactions. Considering that aspect we are of the opinion that it is not necessary to direct the entire amount covered by the award to be deposited and to remain idle. However, we feel that in the interest of justice this appeal should be boarded for hearing out-of-turn because the original notification on which the claim is passed had been issued in the year 1962. While setting aside the direction to deposit the entire amount we direct the Registrar of the High Court to board Appeal Nos.

191-206/98 (if they are ripe for hearing in the sense that all records have been made ready) in the hearing list in the month of November, 2000.

4. The appeal is disposed of accordingly.