
(1996) 04 SC CK 0086
In the Supreme Court Of India
Case No : Civil Appeal No. 8802 of 1996

State of Haryana

APPELLANT

Vs

Smt. Kamla and others

RESPONDENT

Date of Decision : 30-04-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 23(1A), 28, 4(1)

Citation : AIR 1997 SC 313 : (1997) AIRSCW 68 : (1997) AIRSCW 1982 : (1996) 5 JT 450 : (1996) 4 SCALE 592 : (1996) 4 SCC 535 : (1996) 2 SCR 106 Supp : (1997) 1 Supreme 33 : (1996) 4 Supreme 406

Hon'ble Judges : K. Ramaswamy, J;G. B. Pattanaik, J

Bench : Division Bench

Advocate : Kavita Walia and Indu Malhotra, for the Appellant; Sumat Singh and Ashok K. Mahajan, for the Respondent

Final Decision : Allowed

Judgement

1. Leave granted.
2. Heard learned Counsel for both sides.
3. This appeal by special leave arises against the judgment and order of the High Court of Punjab & Haryana in Civil Revision No. 3319 of 1992 dated January 21, 1993.
4. A notification u/s 4(1) of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the 'Act') was published on November 4, 1977. The Land Acquisition Collector in his award made u/s 11 of the Act on October 28, 1981 awarded compensation at the rate of Rs. 30,000 per acre. Dissatisfied therewith, the respondents filed application u/s 18 of the Act. The Additional District Judge by his award and decree dated April 6, 1985 awarded compensation at the rate of Rs. 18 per square yard. The respondents levied execution regarding recovery of the amount on October 12, 1992. The District Judge by his order dated July, 18, 1992 awarded additional amount u/s 23(1-A)

of the Act and also enhanced the interest u/s 28 of the Act at the rate of 9 per cent per annum for the first year and 15 per cent per annum thereafter till the date of realisation. The appellant carried the matter in revision but the High Court dismissed the revision. Thus this appeal by special leave.

5. It has been well-settled legal position that the claimant is not entitled to payment of additional amount of compensation u/s 23(1-A) when the award proceedings have been concluded long prior to the introduction of the Amendment Act 68 of 1984. It is settled by catena of decisions of this Court that the executing Court is devoid of jurisdiction and power to award additional amount of compensation or to enhance the interest in execution. The Court gets power and jurisdiction on reference when it enhances compensation or on appeal u/s 54 enhances the compensation to award additional amount of compensation u/s 23(1-A) or solatium at 30% u/s 23(2) or interest u/s 28 under the Amendment Act 68 of 1984. The executing Court, therefore, travelled beyond its jurisdiction to award additional amount u/s 23(1-A) and also interest u/s 28 of the Act. The High Court was, therefore, in clear error in dismissing the civil revision. The amended decree of the execution Court stands set aside.

6. The appeal is accordingly allowed. No costs.