

(1989) 03 SC CK 0027

In the Supreme Court Of India

Case No : Civil Appeal No. 2931 (N) of 1981

Swantra Kumar Gupta

APPELLANT

Vs

Town Improvement Trust, Bhopal

RESPONDENT

Date of Decision : 03-03-1989

Acts Referred:

Citation : AIR 1989 SC 1229 : (1989) 1 JT 446 : (1989) 1 SCALE 541 : (1989) 2 SCC 340 : (1989) 1 UJ 548

Hon'ble Judges : K. N. Saikia, J;G. L. Oza, J

Bench : Division Bench

Final Decision : Allowed

Judgement

K.N. Saikia, J.—This appeal by special leave is from the order of the Madhya Pradesh High Court in Misc. (F) Appeal No. 93 of 1974 against the award in Reference No. 10 of 1970. The High Court awarded compensation at the rate of Rs. 9,000/- per acre of land and 6% interest from the date of taking over of possession till payment to the extent the amount had not been deposited by the Trust. The appellant claimed compensation at the rate of Rs. 3/- per sqr. ft. The High Court found that about two-third of the total area of 13.18 acres was extremely depressed, sloping, undulating, uneven land, with big pits and holes, and only about one-third land was level on high ground. The High Court considered the question of market value of land in all the 15 references in common. Therefore, for the reasons, given in our judgment in Civil Appeal No. 2931 (N) of 1981, we enhance the compensation by 1/6th to Rs. 10,500/- per acre and similarly maintain solatium of 15% but raise the rate of interest on the enhanced compensation to 9% from today till payment. We leave it open for the appellant to move for higher interest and solatium if entitled by virtue of subsequent pronouncement of this Court, if any

2. In the result, this appeal is allowed as above. We make no order as to costs.