

(2011) 09 KAR CK 0054
In the Karnataka High Court
Case No : Writ Petition No. 32094 of 2009

T. Chikka Venkatappa Reddy

APPELLANT

Vs

The Special Additional Land Acquisition Officer, BDA and The
Chairman, Bangalore Development Authority

RESPONDENT

Date of Decision : 19-09-2011

Acts Referred:

Citation : (2011) 09 KAR CK 0054

Hon'ble Judges : Ashok B. Hinchigeri, J

Bench : Single Bench

Advocate : P. Krishnappa, for the Appellant; A.M. Vijay, for R1 and R2, for the Respondent

Final Decision : Allowed

Judgement

Ashok B. Hinchigeri, J.—The Petitioner has called into question the order, dated 23.2.2008 passed by the Execution Court (II Additional City Civil Judge, Bangalore) in Execution. Petition No. 810/2002 closing the execution proceedings holding that the interest is not payable on the solatium.

2. Sri P. Krishnappa, the learned Counsel for the Petitioner submits that the Respondents are liable to pay interest on the solatium also, The learned Counsel relies on the Apex. Court's judgment in the case of Sunder Vs. Union of India, , wherein it is held that the solatium paid on account of compulsory acquisition of the lands forms part of the compensation awarded; therefore the State is liable to pay interest on the solatium.

3. Sri A.M. Vijay, the learned Counsel appearing for the Respondents submits that the interest on solatium is not grantable as per the Apex Court's decision in the case of State of Haryana and Another Vs. Joginder Singh, .

4. The issue is no more res integra. In its latest decision, the Hon''ble Supreme Court in the case of State of Punjab Vs. Amarjit Singh and Another, has this to say:

12. Thus a person whose land is acquired is entitled to the following amounts under the Act.

(a) Compensation determined u/s 23(1) of the Act (comprising the market value of the land referred to as the first fixator and any damages/expenses referred to as the second to sixth factors under the said Sub-section).

(b) Solatium at 30% on the market value determined as the first factor u/s 23(1) of the Act.

(c). Additional amount of 12% per annum of the market value of the land referred to as the first factor u/s 23(1) of the Act, for the period specified in Section 23(2)-

(d) Interest on the aggregate of (a), (b) and (c) above for the period between the date of taking possession to the date of payment/deposit at the rate of 9% per annum for the first year and 15% per annum for the remaining period.

Payments made are to be adjusted and accounted in the manner set cut in Gurupreet Singh v. Union of India.

Thus the things are made crystally clear that the internet is liable to be paid on all the three components of the compensation viz., (a) market value (b) solatium and (c) additional amount.

5. As the impugned order passed by the Execution Court is not in keeping with the Apex Court's judgment, it is set aside. The matter is remanded to the Execution Court for fresh consideration of the Petitioner's case in accordance with the Apex Court's decision in the case of State of Punjab v. Amarjit Singh (supra).

6. This petition is accordingly allowed. No order as to costs.