

(1996) 10 SC CK 0180
In the Supreme Court Of India
Case No : Civil Appeal No. 13264 of 1996

Union of India (UOI)

APPELLANT

Vs

Kishan Chand and Others

RESPONDENT

Date of Decision : 11-10-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1996) 8 AD 409 : (1996) 8 SCALE 230 : (1996) 11 SCC 523 : (1996) 7 SCR 619 Supp

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

Bench : Division Bench

Advocate : N.N. Goswami, Sushma Suri and Padma Priya, for the Appellant;

Final Decision : Dismissed

Judgement

1. Delay condoned.

2. Leave granted.

3. 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.

4. Notification u/s 4[I] 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 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].

5. 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.