

PETITIONER:
SESHAN & ORS.

Vs.

RESPONDENT:
THE SPECIAL TEHSILDAR & LANDACQUISITION OFFICER, SPICOT, PUDU

DATE OF JUDGMENT: 30/01/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
AHMAD SAGHIR S. (J)
G.B. PATTANAIK (J)

CITATION:
JT 1996 (2) 166 1996 SCALE (2)SP44

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

We have heard the learned counsel on both sides.

Notification under Section 4[l] of the Land Acquisition Act, 1894 was published on 17th October, 1981. The possession of the land was taken in January 1982. The Land Acquisition Officer in his award dated July 31, 1982 determined compensation @ Rs.2,000/- per acre. On reference, the civil Court by award and decree dated November 7, 1983 enhanced the compensation to Rs.4,000/- per acre. On appeal, the High Court by Judgment and decree dated August, 9, 1989 enhanced the compensation to Rs.6,000/- per acre and awarded interest under the unamended Act as per the State amendment. Thus this appeal by special leave.

In view of the fact that the Land Acquisition officer has made the award on July 31, 1982, i.e., after the introduction of the Amendment Act 68 of 1984 on the floor of the Parliament, the claimants are entitled to interest under Section 34 @ 9% per annum from the date of taking possession till date of the award. They are entitled to interest @ 15% on enhanced compensation after the expiry of one year. Equally so on the enhanced compensation from the respective dates till the date of deposit in the Court. Equally, solatium @ 30% under Section 23 [2] is required to be deposited on the additional amount.

The appeal is accordingly allowed to the above extent.
No costs.