

PETITIONER:
M/S, HINDUSTAN PAPER CORPN. LTD.

Vs.

RESPONDENT:
SAKHRAM GOUR & ORS.

DATE OF JUDGMENT 25/07/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
PARIPOORNAN, K.S.(J)

CITATION:
1995 SCC (5) 282 JT 1995 (6) 2
1995 SCALE (4) 664

ACT:

HEADNOTE:

JUDGMENT:

WITH
CIVIL APPEAL NOS. 5167 TO 5248 OF 1992
O R D E R

Notification under s.4(1) of the Land Acquisition Act 1 of 1898 (for short 'the Act') was published on July 3, 1979. The Land Acquisition Collector classified the land and awarded the compensation @ Rs.2,000/- to 3,000/- per bigha to the respective lands. On reference under s.18, the reference court enhanced the market value to Rs.8,500/- to Rs.6,500/- per bigha while maintaining classification of the land. In First Appeal No.81/86 and other connected cases by Judgment and decree dated January 30, 1989, Guwahati High Court affirmed the award and decree of the reference court. Thus these appeals by special leave.

We have gone through the judgment of the Reference Court vis-a-vis the judgment of the High Court. We found, on the facts and circumstances of the case, that appropriate market value would be Rs.4,875/- and Rs.6,375/- instead of Rs.6,500/- and 8,500/- respectively for the lands as it would reflect the prevailing market value as on the date of the Notification, namely, July 3, 1979. Accordingly, the market value is determined at Rs.4,875/- and Rs.6,375/- per bigha as per the classification, nature and quality of the lands. Award of the reference court being made after the Amendment Act had come into force, the claimants are entitled to the statutory benefits of the Amendment Act 68 of 1984. Accordingly, the claimants are entitled to 30% solatium on the enhanced compensation, 9% interest for one year and 15% interest thereafter from the date of taking possession on the enhanced compensation till date of deposit or payment, whichever is earlier. They are also entitled to 12% of the additional amount under s.23(1-A) of the Act. The appeals are disposed of accordingly. The award and decree of the reference court is modified accordingly. No costs.

The appellants are directed to deposit the amount, if

not already deposited, within a period of eight months from the date of the receipt of this order.

JUDIS