

PETITIONER:
UNION OF INDIA & ANR.

Vs.

RESPONDENT:
KARAN SINGH & ORS.

DATE OF JUDGMENT: 07/04/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Delay condoned. Substitution ordered.

Leave granted.

We have learned counsel on both sides.

Under Section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952, the property in question Collector determined the compensation which the respondents had received under protest; and on being dissatisfied the respondents filed objections and arbitrator was appointed who, by his Award dated July 6, 1982 enhanced the compensation at different rates. rates. On appeal, the learned Single Judge set aside the award of the arbitrator and awarded the enhanced compensation uniformly at the rate of Rs.3,000/- per kanal. Letter Patent Appeal against the same was dismissed on 10th January, 1985. It appears that the amount awarded was deposited in court on March 14, 1986.

However, on January 2, 1987 the respondents filed an application under Sections 151 & 152 of the Code of Civil Procedure before the District Judge for direction to grant enhanced solatium and interest in view of the Amendment Act, i.e., Act 68 of 1984 which was allowed. On revision the High Court by the impugned order dated 13th May, 1987, dismissed the same. Thus, appeal by special leave.

It is now well settled legal position in law that under the Requisitioning and Acquisition of Immovable Property Act, there is no provision to pay enhanced solatium and interest; and Amendment Act, I.e. Act 68 of 1984 has no application. It is also well settled legal position that the grant of solatium and interest is an integral part of the process of determination of compensation. The District Court has no jurisdiction to amend the award and to grant Sections 151 and 152 of the Code of Civil Procedure. It is a case of inherent lack of jurisdiction. The High Court, therefore, has committed manifest error of jurisdiction in not removing the error committed by the Tribunal.

Under the circumstances the appeals are allowed to the extent of grant of grant of enhanced solatium and interest, but in the circumstances, without costs.

JUDIS