

PETITIONER:
KRISHI UTPADAN MANDI SAMITI BULANDSHAHR ETC.

Vs.

RESPONDENT:
GANGA SAHAI & ORS. ETC.

DATE OF JUDGMENT: 23/07/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIAK (J)

CITATION:
JT 1996 (7) 120 1996 SCALE (5)579

ACT:

HEADNOTE:

JUDGMENT:
THE 23RD DAY OF JULY 1996

Present:

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice G.B. Pattanaik

O.P. Rana, Sr. Adv., Pradeep Misre, Adv. with him for the appellant.

R.C. Verma and A.K. Srivastava, Advs. for the State.

A. Grover, Sr. Adv., Pramod Dayal, M/s. Asha Jain Madan, Mrs. Rani Chhabra, Advs. with him for the Respondent.

O R D E R

The following Order of the Court was delivered:
Krishi Utpadan Mandi Samiti Bulandshahr etc.

V.
Ganga Sahai & Ors. etc.

With
CIVIL APPEAL NO 9841 OF 1996
(Arising out of SLP (C) No. 14160/87)

O R D E R

Substitution allowed.

Leave granted.

We have heard counsel for the parties. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on May 25, 1976 acquiring the land in question for the purpose of establishing the agricultural market yard. The award under Section 11 was made by the Collector on May 10, 1977. On reference the Additional District Judge by his award and decree dated September 15, 1979 enhanced the compensation to Rs.10/- per sq. yd. with solatium at 15% and interest at 6%. On appeal, the High Court enhanced the compensation to Rs.15/- per sq. yd. The High Court also enhanced solatium and interest under the Amendment Act 68 of 1984 as well as the additional amount under Section 23(1-A). Thus these appeals by special leave.

It is not necessary to dilate upon all the facts but the point that another Division Bench had followed the earlier order and awarded common market value to all tile

lands. Though Shri O.P. Rana, learned senior counsel, is right that in the first case the Division Bench had not given cogent reason For enhancement of the market value from Rs.10/- to Rs.15/sq. yd., we find that the reference Court had given various reasons for confining to the market value at Rs.10/- per sq. yd. Though the basis under with the market value was determined by the High Court was not after proper appreciation of evidence, the principle involved in determining the compensation cannot be faulted Though we are not satisfied with the reasoning of the Division Bench, we are not inclined to interfere with the enhancement of the compensation to Rs: 15/- per sq. yd. However, the claimants are not entitled to the enhanced solatium and interest and also the additional amount since the reference Court had made the award and decree on September 15, 1979 that is much earlier to the introduction of the Amendment Act 68/1984. Therefore, the enhancement of 30% solatium, interest at 9% for one year from the date of taking possession and 15% thereafter till date of deposit and also of additional amount under Section 23(1-A) stands set aside. Instead, the claimants will be entitled to solatium at 15% and interest at 6% on enhanced compensation from the date of taking possession till date of deposit as ordered by this Court in the interim order.

The appeals are accordingly disposed of. No costs.