

(1985) 10 P&H CK 0008

High Court Of Punjab And Haryana At Chandigarh

Case No: C.M. No. 3297 of 1985 in L.P.A. No. 914 of 1984 in R.F.A. No. 122 of 1984

Jagir Singh etc.

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision: Oct. 20, 1985

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 151, 152, 153
- Land Acquisition Act, 1894 - Section 23(1A), 23(2), 4, 4(1)

Hon'ble Judges: Prem Chand Jain, J; D.V. Sehgal, J

Bench: Division Bench

Advocate: M.L. Sarin, for the Appellant; Ashok Aggarwal, for the Respondent

Judgement

D.V. Sehgal, J.

In this application under Sections 151, 152 and 153, CPC Code, the learned Counsel for the Petitioners contends that in addition to solatium at the rate of 30% u/s 23(2) of the Land Acquisition Act, 1894 (hereinafter called "the Act), and interest at the rate of 9% per annum from the date of taking possession for a period of one year and 15% thereafter till the date of payment, as allowed to the Petitioners vide our judgment dated 17.9.1985, they are also entitled to compensation at the rate of 12% per annum from the date of notification u/s 4 of the Act till the date of award as envisaged by Section 23(1-A) of the Act introduced by the Land Acquisition (Amendment and Validation) Act, 1984 (Act No. 63 of 1984).

2. In support of this contention he relies on a Division Bench judgment of the Delhi High Court in C. M. No. 1238 of 1984 in R. F. A. No. 10 of 1972 (Ranjit v. Union of India R.F.A No 10 of 1972) decided on 18.12.1984, and a Single Bench of this Court in R.F.A. No. 488 of 1984 (Puran v. State of Haryana R.F.A. No. 488 of 1984) decided on 23.9.1985. Sub-section (1-A) ibid reads as under:

(1-A); In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per

annum on such market value for the period commencing on and from the date of the publication of the notification u/s 4, Sub-section (1), in respect of such land to the date of award of the Collector or the date of taking possession of the land, whichever is earlier.

3. In the present case, the date of publication of the notification u/s 4(1) of the Act is 10.5.1979 and the date of the award of the Collector is 30.3.1981.

4. Having heard the learned Counsel for the parties, we find substance in this contention of the Petitioner's counsel. We accordingly allow this application and amend our judgment dated 17.9.85 so as to add the following paragraph at its end:

We also direct that an amount caculated at the rate of 12% per annum on the market-value of the land determined above, for the period commencing on and from 10.5.1979 to 30.3.1981, shall also be paid to the Appellants in terms of Section 23(1-A) of the Act.

Sd/. From Chard Jain, C.J.