
(2008) 08 JH CK 0051

Jharkhand High Court

Case No: None

Union of India (UOI)

APPELLANT

Vs

Makul Mahto

RESPONDENT

Date of Decision: Aug. 28, 2008

Citation: (2009) 1 JCR 180

Hon'ble Judges: M.Y. Eqbal, J; Jaya Roy, J

Bench: Division Bench

Judgement

@JUDGMENTTAG-ORDER

1. Heard the counsel for the parties.

2. These appeals have been preferred by the Union of India through Chief of Revenue, C.C.L., challenging the judgment dated 28.6.2001 passed by the learned single Judge in M.A. Nos. 284 to 297 of 1994(R) holding that in respect of acquisition of land under the provisions of Coal Bearing Areas (Acquisition and Development) Act, 1957, the awardees shall be entitled to get solatium @ 30% and interest @ 9% to 15%.

3. The appellants have challenged that part of the judgment whereby the interest and the solatium have been awarded besides the compensation and interest payable under the aforesaid Act.

4. A Division Bench of this Court in similar appeals filed by the Union of India challenging the award of solatium and interest, after discussing the law in detail in the Case of Union of India v. Hari Mahto and Ors. 2002 (2) JCR 130, affirmed the judgment passed by the learned single Judge and dismissed the appeals filed by the Union of India holding that the interest and the solatium are also payable.

5. The instant appeals are, therefore, squarely covered by the said judgment. However, the learned Counsel for the appellants produced before us a copy of the order passed by the Supreme Court and submitted that against the aforesaid judgment passed by the

Division Bench, SLP was filed, which was admitted and numbered as Civil Appeal Nos. 6184-6213 of 2002 and the appeals are pending for hearing before the Supreme Court.

6. It further appears that the interim stay was granted by the Supreme Court with direction to continue subject to the payment of part of the compensation amount.

7. Since the matter is subjudice before Supreme Court, judicial discipline demands that these appeals to be kept pending till the disposal of appeals before the Supreme Court.

8. However, we hold that pending hearing of the appeals before the Supreme Court, the appellants shall pay such amount as directed by the Supreme Court in the order dated 26.4.2004 passed in Civil Appeal Nos. 6184-6213 of 2002.

Needless to say, that as per the direction of the Supreme Court, decree holders-respondents may withdraw the amount to the extent mentioned in the order.

9. Liberty is given to the respondents to mention these cases for hearing as soon as the appeals are disposed of by the Supreme Court.