

K. Kamalajammanniavaru (Dead) By Lrs

Vs

Special Land Acquisition Officer

And

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K. Kamalajammanniavaru (Dead) By Lrs

Civil Appeals Nos. 2196 of 1970 and 2713 and 2714 of 1972

(O. Chinnappa Reddy, Sabyasachi Mukharji JJ)

14.02.1985

JUDGMENT

CHINNAPPA REDDY, J. -

1. In respect of acquisition of land pursuant to notifications issued under Section 4(1) of the Land Acquisition Act on November 28, 1957, compensation of Rs. 5250 for the land in S. No. 83 and compensation at the rate of Rs. 800 per acre for the land in S. No. 74 was awarded by the Land Acquisition Officer. On a reference under Section 18 of the Land Acquisition Act, the Civil Judge enhanced the compensation to Rs. 18,000 for the land in S. No. 83 and Rs. 14,250 for the land in S. No. 74. The High Court, on appeal, further enhanced the compensation to Rs. 8000 per acre for the land in S. No. 83 and Rs. 2500 per acre for the land in S. No. 74. The claimant has filed Civil Appeal No. 2196 of 1970 to enhance the compensation and the State of Karnataka has preferred Civil Appeal Nos. 2713 and 2714 of 1972 to reduce the same. We are unable to find any question of principle involved in any of the appeals and accordingly we have no option but to dismiss them.

2. However, in the appeal filed by the claimant, Shri K. N. Bhat, learned counsel, urged that in view of the Land Acquisition Amendment Act, 1984, his client is entitled to be paid solatium of 30% of the compensation instead of the 15% to which he had been held entitled by the lower courts under the unamended Act. He relied upon Section 15(b) and Section 30(2) of the 1984 Amendment Act which are in the following terms :

15. In Section 23 of the principal Act, -

#(a) * * *##

(b) in sub-section (2) for the words "fifteen per centum", the words "thirty per centum" shall be substituted.

* * *30. (1) * * *##

(2) The provisions of sub-section (2) of Section 23 and Section 28 of the principal Act as amended by clause (b) of Section 15 and Section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of People] and before the commencement of this Act.

Shri Bhat's submission was that Section 30(2) of the Amendment Act made the amended Section 23(2) which increased the solatium to thirty per centum applicable to all proceedings in regard to compensation which had not become final whether they be pending before the Collector, Court, High Court or Supreme Court. We are unable to agree with Shri Bhat's submission. It is worthwhile remembering at this juncture that awards made by the Collector under Section 11 and by the Court on reference under Section 18 only are described as awards in the Land Acquisition Act, while further appeals are provided to the High Court and the Supreme Court. The new Section 23(2), of course, necessarily applies to awards made by the Collector or Court after the commencement of the Act, that is, after September 9, 1984 which was the date on which the Act received the assent of the President. The Bill which ultimately became the Amendment Act was introduced into Parliament on April 30, 1982. Parliament obviously desired to give effect to the amended Section 23(2) from the date of introduction of the Bill. So the amended provision was expressly made applicable by Section 30(2) to awards made by the Collector or Court between April 30, 1982 and September 24, 1984 also. A natural corollary was that the new provision should apply to orders made by the High Court or by the Supreme Court in appeals against such awards, that is, awards made between April 30, 1982 and September 24, 1984. Parliament did not intend and could not have intended that whatever be the date of the award, however ancient it may be, solatium would stand enhanced to 'thirty per centum' if an appeal happened by chance or accident to be pending on April 30, 1982. Surely it was not the intention of Parliament to reward those who kept alive the litigation even after several years. If it was the intention of Parliament to make the amended Section 23(2) applicable to all proceedings relating to compensation wherever they be pending, the words "after the 30th day of April 1982 (the date of introduction of the Land Acquisition Amendment Bill, 1982 in the House of the People) and before the commencement of this Act" in Section 30(2) would become meaningless. It is clear that Parliament wanted the amended Section 23(2) to have very limited retrospectivity. It made the provision applicable to awards made after April 30, 1982 and before September 24, 1984 also and further to appeals to the High Court as (sic and) the Supreme Court arising from such awards. In this view we see no force in the submission of Shri Bhat. All the appeals are dismissed. No costs.

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