

Munnalal Shivdin Jaiswal and Another

Vs

State of Maharashtra and Others

Civil Appeal No. 33 and 34 of 1973

(B. C. Ray, M. P. Thakkar JJ)

04.12.1986

JUDGMENT

These appeals arise out of the judgment and order of the High Court determining the market value in respect of 11 gunthas of land comprised in Survey No. 204 and 30 gunthas of land comprised in Survey No. 464 situated in Faizpur, Taluka Yaval, District Jalgaon, Maharashtra. These lands were placed under acquisition pursuant to a notification dated December 31, 1956 under Section 4 of the Land Acquisition Act, It has not been shown that the High Court has committed an error of principle in determining the market value or computing the compensation. In fact the High Court has set aright an error committed by the trial court by relying on the instances pertaining to tiny plots which were not comparable at all. There is thus no good ground to interfere with the order passed by the High Court. But a new point is made in the context of the Amending Act 20 of 1984. It is contended that the Amending Act would be applicable to pending matters. This question, we are told, had been fully argued before a Constitution Bench of this Court and is awaiting judgment. In case the Constitution Bench takes the view that Amending Act 20 has retrospective operation and owners of land are entitled to solatium or interest at the enhanced rates in the context of the Amending Act in respect of pending matters it will be open to the appellants to apply for review of this order. Subject to this liberty, the appeals fail and are dismissed. There will be no order as to costs.

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