

Kerala State Electricity Board

Vs

Saramma Mathew and Others

Special Leave Petition No. 13232 of 1987

(Ranganath Misra, G. L. Oza, M. N. Vankatachaliah JJ)

01.12.1987

ORDER

1. Two questions are raised in support of the special leave petition :

(1) that the High Court while agreeing that the acquisition is of a larger area has utilised the valuation indicated in later sale for a smaller property as the measure of compensation; and

(2) the benefit of the Amending Act of 1984 has been given to the claimants in regard to solatium and interest contrary to the provisions of that Act.

2. So far as the first question is concerned, while we agree on principle that there is distinction between the valuation of small property and large property in the matter of fixing compensation, the facts involved here are very special and the High Court has given reasons as to why the valuation as accepted has been adopted by it. So far as the application of the benefit of the Amending Act of 1984 is concerned, the question has been examined by the Constitution Bench of this Court and the judgment is awaited. In the event of the judgment going in favour of the contention of the petitioner, it would be entitled to obtain review from the High Court notwithstanding the fact that the High Court has made the impugned order on the basis of the decision of this Court. Special leave petition is disposed of.

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