

Swantra Kumar Gupta

Vs

Town Improvement Trust, Bhopal

Civil Appeal No. 1284 of 1981

(G. L. Oza, K. N. Saikia JJ)

03.03.1989

JUDGMENT

K. N. SAIKIA, J. –

1. This appeal by special leave is from the order of the Madhya Pradesh High Court in Misc. (F) Appeal No. 93 of 1974 against the award in Reference No. 10 of 1970. The High Court awarded compensation at the rate of Rs. 9000 per acre of land and 6 per cent interest from the date of taking over of possession till payment to the extent the amount had not been deposited by the Trust. The appellant claimed compensation at the rate of Rs. 3 per sq. ft. The High Court found that about two-third of the total area of 13.18 acres was extremely depressed, sloping, undulating uneven land, with big pits and holes, and only about one-third land was level on high ground. The High Court considered the question of market value of land in all the 15 references in common. Therefore, for the reasons given in our judgment in Civil Appeal No. 2931(N) of 1981, we enhance the compensation by one-sixth to Rs. 10,500 per acre and similarly maintain solatium of 15 per cent but raise the rate of interest on the enhanced compensation to 9 per cent from today till payment. We leave it open for the appellant to move for higher interest and solatium if entitled by virtue of subsequent pronouncement of this Court, if any.

2. In the result, this appeal is allowed as above. We make no order as to costs.

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