

Seshan and Others

Vs

Special Tehsildar & Land Acquisition Officer, Spicot, Pudukkottai

Civil Appeal No. 2938 of 1996

(K. Ramaswamy, S. Saghir Ahmed, G. B. Pattanaik JJ)

30.01.1996

ORDER

1. Leave granted.
2. We have heard the learned counsel on both sides.
3. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 17-10-1981. The possession of the land was taken in January 1982. The Land Acquisition Officer in his award dated 31-7-1982 determined compensation @ Rs 2000 per acre. On reference, the civil court by award and decree dated 7-11-1983 enhanced the compensation to Rs 4000 per acre. On appeal, the High Court by judgment and decree dated 9-8-1989 enhanced the compensation to Rs 6000 per acre and awarded interest under the unamended Act as per the State amendment. Thus this appeal by special leave.
4. In view of the fact that the Land Acquisition Officer has made the award on 31-7-1982, i.e., after the introduction of the Amendment Act 68 of 1984 on the floor of Parliament, the claimants are entitled to interest under Section 34 @ 9% per annum from the date of taking possession till date of payment or deposit in the court. They are entitled to interest @ 15% on compensation not paid or deposited after the expiry of one year. Equally so on the enhanced compensation from the respective dates till the date of deposit in the court. Equally, solatium @ 30% under Section 23(2) is required to be deposited on the market value.
5. The appeal is accordingly allowed to the above extent. No costs.