

State of Haryana

Vs

Kamla (Smt) and Others

Civil Appeal No. 8802 of 1996

(K. Ramaswamy, G.B. Pattanaik JJ)

30.04.1996

ORDER

1. Leave granted.
2. Heard learned counsel for both sides.
3. This appeal by special leave arises against the judgment and order of the High Court of Punjab and Haryana in Civil Revision No. 3319 of 1992 dated 21-1-1993.
4. A notification under Section 4(1) of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as 'the Act') was published on 4-11-1977. The Land Acquisition Collector in his award made under Section 11 of the Act on 28-10-1981 awarded compensation at the rate of Rs. 30,000 per acre. Dissatisfied therewith, the respondents filed application under Section 18 of the Act. The Additional District Judge by his award and decree dated 6-4-1985 awarded compensation at the rate of Rs. 18 per square yard. The respondents levied execution regarding recovery of the amount on 12-10-1992. The District Judge by his order dated 18-7-1992 awarded additional amount under Section 23(1-A) of the Act and also enhanced the interest under Section 28 of the Act at the rate of 9 per cent per annum for the first year and 15 per cent per annum thereafter till the date of realisation. The appellant carried the matter in revision but the High Court dismissed the revision. Thus this appeal by special leave.
5. It has been a well-settled legal position that the claimant is not entitled to payment of additional amount of compensation under Section 23(1-A) when the award proceedings have been concluded long prior to the introduction of the Amendment Act 68 of 1984. It is settled by a catena of decisions of this Court that the executing court is devoid of jurisdiction and power to award additional amount of compensation or to enhance the interest in execution. The court gets power and jurisdiction on reference when it enhances compensation or on appeal under Section 54 enhances the compensation to award additional amount of compensation under Section 23(1-A) or solatium at 30% under Section 23(2) or interest under Section 28 under the Amendment Act 68 of 1984. The executing court, therefore, travelled beyond its jurisdiction to award additional amount under Section 23(1-A) and also interest under Section 28 of the Act. The High Court was, therefore, in clear error in dismissing the civil revision. The amended decree of the execution court stands set aside.
6. The appeal is accordingly allowed. No costs.