

Union of India and Another

Vs

Karam Singh and Others

Civil Appeals Nos. 2942-49 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

07.04.1997

ORDER

1. Delay condoned. Substitution ordered.
2. Leave granted.
3. We have heard learned counsel on both sides.
4. Under Section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952, the property in question was acquired for public purpose. The Land Acquisition Collector determined the compensation which the respondents had received under protest; and on being dissatisfied the respondents filed objections and an arbitrator was appointed who, by his award dated 6-7-1982, enhanced the compensation at different rates. On appeal, the learned Single Judge set aside the award of the arbitrator and awarded the enhanced compensation uniformly at the rate of Rs. 3000 per kanal. Letters Patent Appeal against the same was dismissed on 10-1-1985. It appears that the amount awarded was deposited in Court on 14-3-1986.
5. However, on 2-1-1987 the respondents filed an application under Sections 151 and 152 of the Code of Civil Procedure before the District Judge for direction to grant enhanced solatium and interest in view of the Amendment Act, i.e., Act 68 of 1984 which was allowed. On revision the High Court by the impugned order dated 13-5-1987, dismissed the same. Thus, this appeal by special leave.
6. It is now a well-settled legal position in law that under the Requisitioning and Acquisition of Immovable Property Act, there is no provision to pay enhanced solatium and interest; and Amendment Act, i.e. Act 68 of 1984 has no application. It is also a well-settled legal position that the grant of solatium and interest is an integral part of the process of determination of compensation. The District Court has no jurisdiction to amend the award and to grant solatium and interest exercising the power under Sections 151 and 152 of the Code of Civil Procedure. It is a case of inherent lack of jurisdiction. The High Court, therefore, has committed manifest error of jurisdiction in not removing the error committed by the Tribunal.
7. Under the circumstances the appeals are allowed to the extent of grant of enhanced solatium and interest, but in the circumstances, without costs.