

Kapur Chand Jain (Dead) and Others

Vs

State Govt. of H. P. and Others

SLPs (C) Nos. 20139-20140 of 1997

(S. B. Majmudar, M. Srinivasan JJ)

10.08.1998

ORDER

1. IAs Nos. 3 and 4 are granted. Legal representatives of Petitioner 1 are permitted to be brought on record.

2. So far as IAs Nos. 1 and 2 are concerned, we are informed that as Petitioner 3 had died pending proceedings in the High Court, an application for bringing the legal representatives of Petitioner 3 on record was also filed in the High Court and that is granted. Accordingly, these IAs are also granted. The legal representatives of Petitioner 3 are permitted to be brought on record as they are already brought on record by the High Court.

3. Learned counsel for the petitioners invited our attention to a three-Judge Bench judgment of this Court in *Union of India v. Ram Mehar* ((1973) 1 SCC 109) and also later two decisions of two-Judge Benches of this Court in *Periyar and Pareekanni Rubbers Ltd. v. State of Kerala* ((1991) 4 SCC 195) and *Narain Das Jain v. Agra Nagar Mahapalika* ((1991) 4 SCC 212). Relying on these judgments, he submitted that for applicability of Section 28 of the Land Acquisition Act, 1894 solatium has to be considered as a component of compensation and interest could be paid thereon; and that the High Court has wrongly not granted interest on solatium. However, there is another three-Judge Bench judgment of this Court in *Prem Nath Kapur v. National Fertilizers Corpn. of India Ltd.* ((1996) 2 SCC 71) wherein a contrary view is taken and it has been held, as seen from Headnote (C), that no interest is payable on solatium under Section 23(2) or on additional amount payable under Section 23(1-A). For coming to that conclusion, the Bench of three learned Judges relied upon another decision of this Court in *P. Ram Reddy v. Land Acquisition Officer* ((1995) 2 SCC 305).

4. In view of this conflict of decisions and also in view of the further fact that the three-Judge Bench of this Court in *Prem Nath Kapur* ((1996) 2 SCC 71) had no opportunity to refer to the earlier decision of a three-Judge Bench in *Ram Mehar* ((1973) 1 SCC 109) we direct that these special leave petitions be placed for decision before a three-Judge Bench of this Court. The office may obtain suitable orders from the Hon'ble Chief Justice.

Court Masters