

SUPREME COURT OF INDIA

Indra Vikram Singh

Vs.

State of M.P.

C.A.No.7027-7028 of 2004

(R.V.Raveendran and A.K.Patnaik,JJ.,)

20.01.2011

ORDER

1. The appellants are the legal heirs of one Padmini Kuarba who held the Lambardari lease in regard to certain villages in Panna tehsil. The lease was granted for 30 years on an annual payment of Rs.1242.25 to the State. The said Lambardar continued in possession in pursuance of the said lease from 1.1.1943 to 31.12.1953. Thereafter, the leased villages were resumed vide notification dated 22.12.1953 with effect from 1.1.1954 issued under the Vindhya Pradesh Abolition of Jagirs and Land Reforms Act, 1952. The resumption was challenged by the Lambardar and ultimately this Court set aside the resumption on 21.2.1961 in pursuance of which the leased villages were returned to the Lambardar on 30.4.1961. From 30.4.1961, the Lambardar continued in possession till 30.6.1966 when Lambardari was finally abolished by notification dated 28.8.1966 issued under Section 3 of the Madhya Pradesh Swatwadharik Adhikar Sampati (Vindhya Pradesh) Adhiniyam, 1965. The possession was taken over on 1.7.1966. The Collector, District Panna, by order dated 15.5.1968 determined the compensation payable as Rs.22,939.30. That was determined by the Board of Revenue by order dated 20.12.1968. The Lambardar challenged the order of Board of Revenue and the High Court on 9.11.1970 quashed the order of the District Collector. The said order was challenged by the State and this Court by order dated 16.7.1986 dismissed the appeal and directed the second respondent to determine the compensation in the light of the observation of the High Court in its order dated 9.11.1970. Accordingly, the second respondent passed an order dated 30.5.1988 determining compensation. That was again challenged by the legal heirs of the deceased Lambardar and the High Court by the impugned order dated 7.5.2002 allowed the writ petition in part. It upheld the compensation awarded but modified the interest payable. While the Authority had granted interest at 3% in terms of the provisions of the Act, the High Court held that with effect from 10.3.1987 the interest payable will be at the rate of 6% per annum. The said order is challenged by the legal heirs of the Lambardar.

2. The High Court found that there is an error in the calculation of the compensation. It also found that the average annual income was calculated in the earlier order dated 15.5.1968 and that was not in dispute. The compensation has been determined under two heads. The first is

compensation for the unexpired period of lease, that is for the 6 = years and the second was the compensation for the period of wrongful vesting which was considered to be the period from 1.1.1954 to 30.4.1961. The grievance of the appellant is that for the purpose of calculating the compensation, the unexpired period of lease should be taken not as 6 = years but the period from 1.1.1954 to 30.4.1961, which is 7 years and 4 months. This contention has no merit as the compensation has been rightly determined with reference to Section 4 of the 1965 Act read with Section 10 of the 1952 Act and Schedule I. For the purpose of compensation only the unexpired period can be taken note of and that is how the calculation has been made. We also find that the income for the period 1.1.1954 to 30.4.1961 was also calculated and that also has been paid. The High Court has found that there was no error in the method of calculation. Therefore, we find no reason to interfere with the judgment of the High Court. Appeal is dismissed.