

SUPREME COURT OF INDIA

Balwan Singh & Ors.

Vs.

Land Acquisition Collector & Anr.

C.A.No.1867-1872 of 2009

(Kurian Joseph and R.F.Nariman,JJ.)

09.03.2016

JUDGMENT

Kurian Joseph, J.

1. The short issue arising for consideration in this appeal is whether the appellants are entitled to interest for the period from the date of dispossession to the date of Notification under Section 4(1) of the Land Acquisition Act, 1894 (For short 'the Act'). That issue is no more res integra. In the case of *R.L. Jain (D) by Lrs. Vs. DDA & Ors*¹, reported in at paragraph 18, this Court has taken the view that the land owner is not entitled to interest under the Act. However, it has been clarified that the land owner will be entitled to get rent or damages for use and occupation for the period the Government retained possession of the property.

2. Noticing the above position, this Court in the case of *Madishetti Bala Ramul (dead) by Lrs. Vs. Land Acquisition Officer*² reported in took the view that it may not be proper to remand the matter to the Collector to determine the amount of compensation to which the appellants therein would be entitled for the period during which they remained out of possession and hence, in the interest of justice, this Court directed that additional interest at the rate of 15% per annum on the amount awarded by the Land Acquisition Collector, shall be paid for the period between the date of dis-possession and the date of Notification under Section 4(1) of the Act.

3. The said view was followed by this Court in the case of *Tahera Khatoon & Ors. Vs. Revenue Divisional Officer/Land Acquisition Officer & Ors.* reported in³

4. Following the above view taken by this Court, these appeals are disposed of directing the respondents to award additional interest by way of damages, at the rate of 15% per annum for the period between 1.7.1984, the date when the appellants were dis-possessed till 2.9.1993, the date of Notification under Section 4(1) of the Act.

5. Needless to say that this compensation will be on the basis of land value fixed by the Reference Court. The amount as above, shall be calculated and deposited before the Reference Court within a period of three months from today.

6. The appeals are disposed of with no order as to costs.

Judgment Referred.

¹(2004) 4 SCC 0079

²(2007) 9 SCC 0650

³(2014) 13 SCC 0613