

A

UNION OF INDIA
v.
JAGDISH AND ORS.

MARCH 21, 1995

B

[K. RAMASWAMY, N. VENKATACHALA AND
S. SAGHIR AHMAD, JJ.]

Land Acquisition Act, 1894

C

S.23(1-A) as amended by Amending Act 68 of 1984—Additional amount at the rate of 12% per annum—Grant of—Held:claimants not entitled to since the award was made prior to coming into force of the Amending Act 68 of 1984.

D

In these two appeals preferred by the Union of India, the grant of additional amount under Section 23(1-A) of the Land Acquisition Act by the High Court, has been challenged.

Allowing the appeals, this Court.

E

HELD: 1. Admittedly, the award of the Collector in both these cases were made well before the Land Acquisition (Amendment) Act 68 of 1984 came into force on September 24, 1984. Therefore, the claimants are not entitled to get the additional amount payable at the rate of 12% per annum under S.23(1-A) of the Land Acquisition Act for the period between the date of notification and the date of award whichever is earlier. [927-C]

F

2. The judgment of the High Court to the extent of grant of additional amount under s.23 (1-A) is set aside. In other respects, the judgment stands confirmed. [927-G]

G

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4188 of 1995 etc.

From the Judgment and Order 20.9.93 of the Delhi High Court in R.F.A. No. 343 of 1985.

H

N.N. Goswami, Sr. Adv., Ms. Bindu Tamta and S.N. Terdol with him for the Appellant.

The following Order of the Court was delivered :

C.A. No. 4188/95 (@ SLP 740/95)

Leave granted.

Notification under s.4(1) of the Land Acquisition Act was published in the Gazette on November 1, 1978. The award of the Collector bears No. 26 of 1980-81. Therefore, the award is made well before the Land Acquisition (Amendment) Act 68/1984 came into force on September 24, 1984. In consequence, the claimants are not entitled to get the additional amount payable at the rate of 12% per annum under s.23(1-A) for the period between the date of the notification and the date of the award or the date of taking possession whichever is earlier; yet the same is awarded by the High Court. The appeal is, accordingly, allowed. The judgment to the extent of grant of additional amount under s.23(1-A) stands set aside. In other respects, the judgment stands confirmed. No costs.

C.A. NO. 4189/95 (@SLP 8736/94 (CC 28723)

Admittedly, the notification under s.4(1) of the Land Acquisition Act was published on June 4, 1977. The award of the Collector under s.11 was made on 22.7.81, i.e. before s.23 (1- A) of the Land Acquisition Act as amended by Amendment Act 68/84 had come into force. Under those circumstances, the claimants are not entitled to the payment of additional amount at 12% per annum under s.23(1-A) on such market value for the period commencing on and from the date of the publication of the notification under s.4(1) in respect of such land to the date of the award of the Collector or the date of the taking possession of the land whichever is earlier. Since the award of the Collector was earlier in point of time to the date of the Amendment Act coming into force, the respondent is not entitled to the additional amount as envisaged under s.23(1-A). The High Court, therefore, was not right in awarding the additional amount. The appeal is allowed and the decree to the extent of awarding additional amount under s.23(1-A) is set aside. In other respects, the award as upheld by the High Court, stands confirmed. No costs.

G.N.

Appeal allowed.