

M/S. HINDUSTAN PAPER CORPN. LTD.

v.

SAKHRAM GOUR AND ORS.

JULY 25, 1995

[K. RAMASWAMY AND K.S.PARIPOORNAN, JJ.]

*Land Acquisition Act, 1894*

*Award of compensation—Market value determined by courts below—Enhancement of—Statutory benefits of Amendment Act 68 of 1984—Solatium, interest and additional amount under s.23(1-A)—Entitlement to.*

Certain lands were acquired and the Collector classified the land and awarded compensation at Rs. 2,000 to Rs. 3,000 per bigha to the respective lands. The reference Court maintained the classification, but enhanced the market value to Rs. 6,500 to Rs. 8,500 per bigha. On appeal, it was affirmed by the High Court. Hence these appeals.

Disposing of the appeals, this Court

**HELD : 1.** On the facts and circumstances of the case, the appropriate market value would be Rs. 4,875 and Rs. 6,375 instead of Rs. 6,500 and 8,500 respectively for the lands as it would reflect the prevailing market value as on the date of the Notification, namely, July 3, 1979. Accordingly, the market value is determined at Rs. 4,875 and Rs. 6,375 per bigha as per the classification, nature and quality of the lands. Award of the reference court being made after the Amendment Act had come into force, the claimants are entitled to the statutory benefits of the Amendment Act 68 of 1984. Accordingly, the claimants are entitled to 30% solatium on the enhanced compensation, 9% interest for one year and 15% interest thereafter from the date of taking possession on the enhanced compensation till date of deposit or payment, whichever is earlier. They are entitled to 12% of the additional amount under s.23(1-A) of the Act. [314-F-H]

**2.** The appellants are directed to deposit the amount, if not already deposited, within a period of eight months from the date of the receipt of

**A this order. [315-A]**

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5166 of 1992 etc.

**B** From the Judgment and Order dated 30.1.89 of the Assam High Court in F.A. No. 163 of 1986.

Santosh Hegde and K.K. Lahiri, C. Chandrasekharan, Sinha & Das, Mrs. Vijay Lakshmi Menon, Bhargwan, M.L. Lahoty and S.K. Verma, (Not present.) for the Appearing Parties.

**C** The following Order of the Court was delivered :

Notification under s.4(10) of the Land Acquisition Act 1 of 1898 (for short 'the Act') was published on July 3, 1979. The Land Acquisition Collector classified the land and awarded the compensation @ Rs. 2,000 to 3,000 per bigha to the respective lands. On reference under s.18, the reference court enhanced the market value to Rs. 8,500 to Rs. 6,500 per bigha while maintaining classification of the land. In First Appeal No. 81/86 and other connected cases by Judgment and decree dated January 30, 1989, Guwahati High Court affirmed that award and decree of the reference court. Thus these appeals by special leave.

We have gone through the judgment of the Reference Court vis-a-vis the judgment of the High Court. We found, on the facts and circumstances of the case, that appropriate market value would be Rs. 4,875 and Rs. 6,375 instead of Rs. 6,500 and 8,500 respectively for the lands as it would reflect the prevailing market value as on the date of the Notification, namely, July 3, 1979. Accordingly, the market value is determined at Rs. 4,875 and Rs. 6,375 per bigha as per the classification, nature and quality of the lands. Award of the reference court being made after the Amendment Act had come into force, the claimants are entitled to the statutory benefits of the Amendment Act 68 of 1984. Accordingly, the claimants are entitled to 30% solatium on the enhanced compensation, 9% interest for one year and 15% interest thereafter from the date of taking possession on the enhanced compensation till date of deposit or payment, whichever is earlier. They are also entitled to 12% of the additional amount under s.23(1-A) of the Act. The appeals are disposed of accordingly. The award

and decree of the reference court is modified accordingly. No costs.

A

The appellants are directed to deposit the amount, if not already deposited, within a period of eight months from the date of the receipt of this order.

G.N.

Appeals disposed of.