

A

UNION OF INDIA
v.
RANGILA RAM (DEAD) BY LRS.

AUGUST 28, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Land Acquisition Act, 1894 : Sections 23(2) and 28—Proviso (As introduced by Amendment Act 68 of 1984)

C

Land Acquisition—Compensation as per existing law—Amendment of Act 1894—Insertion of provisions for additional benefits of solatium and interest—Grant of such benefits after coming into force of Amendment Act—Held not permissible.

Code of Civil Procedure, 1908 : Sections 151 and 152.

D

Award for land compensation as per existing law—Finality—Benefits introduced by Land Acquisition Amendment Act, 1984—Held sections 151 and 152 cannot be invoked to award—Such benefits.

E

In these land acquisition proceedings certain lands were acquired for defence purposes. The compensation award was made as per law then in force and it attained finality. Subsequent to the amendments introduced to the Land Acquisition Act, 1894 by Amendment Act 68 of 1984, the land-owners filed an application before the High Court under sections 151 and 152 of Code of Civil Procedure, 1908 for amendment of the decree seeking additional benefits of solatium and interest under section 23(2)

F

and proviso to section 28 as introduced by the 1984 Amendment Act. The High Court allowed the application against which Union of India preferred an appeal before this Court.

Allowing the appeal, this Court

G

HELD : The decree passed by the High Court is clearly without jurisdiction and a nullity. The claimant was not entitled to the additional benefits and Sections 151 and 152, CPC cannot be invoked to award the additional benefits under the Amendment Act 68 of 1984. The High Court, therefore, has no power to amend the decree to award enhanced statutory

H

benefits. [112-G]

State of Maharashtra v. Maharau Sravan Hetkar, [1995] 3 SCC 316; *Union of India and Ors. v. Pratap Kaur (dead) through Lrs. and Anr.*, [1995] 3 SCC 263, relied on. A

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7983 of 1995. B

From the Judgment and Order dated 26.11.87 of the Punjab & Haryana High Court in C.M.P. No. 668 of C-1 of 1986.

R.K. Anand, Anil Katiyar, M.P. Shorawala and P. Parmeswaran for the Appellant. C

Sanjay Sarin and Ashok Mathur for the Respondent.

The following Order of the Court was delivered :

Leave granted. D

On December 2, 1977, a notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued acquiring 267.2675 acres of land in village Bhatotarwan for defence purposes. The award was made by the Land Acquisition Collector on October 23, 1979. Against the award, the District Judge- arbitrator by his award date February 7, 1981, enhanced the compensation and further awarded Rs. 700 per acre for loss of livelihood/profession. Dissatisfied thereof, both the State as well as the respondent writ petitions in the High Court which by judgment dated March 15, 1982 enhanced the compensation to Rs. 11,000 and 10,000 per acre respectively. Following that, respondent's R.S.A. No. 1209 of 1981, was disposed of on November 5, 1982. E F

An application under Sections 151 and 152, Civil Procedure Code [for short, 'CPC'] was filed in 1986 before High Court for amendment of the decree in the cross-objections to award them 30% of the solatium 9% interest for the first year and 15% interest thereafter till the date of deposit as per s.23(2) and proviso to s.28 pursuant to the Amendment Act 68 of 1984. The High Court allowed the application on November 26, 1987. Thus, this appeal by special leave. G

The point is no longer *res integra*. This Court has considered the scope of the power of the High Court under Ss.151 and 152, CPC and also H

A under S.13(A) of the Act. This Court has held that once civil court made an award as per law then in force which became final and that there is no error of law as on that date. Subsequent amendment does not give power to the court to amend that decree under Ss.151 and 152, CPC. This was held in *State of Maharashtra v. Maharau Sravan Hetkar*, [1955] 3 SCC 316 and *Union of India and Ors. v. Pratap Kaur (dead) through Lrs. and Anr.*, [1995] 3 SCC 263. In *Maharau Sravan Hetkar's* case, this Court held that the civil court lacked inherent jurisdiction and was devoid of the power to entertain an application to award additional benefits under the Amendment Act 68 of 1984. The facts therein were that the award had become final and the Amendment Act 68 of 1984 had come into force on September 24, 1984. The respondents made an application under Sections 151 and 152, CPC to award enhanced solatium and additional benefits etc. and the civil court allowed and granted the same. In that context, considering the civil court's power under Sections 151 and 152, CPC. this Court laid the above law.

D In *Pratap Kaur's* case, after the award became final, the respondents filed miscellaneous application to demarcate and award compensation on the rates were ordered by the High Court which were accordingly granted and the jurisdiction of the District Court was challenged. Though the High Court had affirmed the order, this Court held that after the award became final, the civil court was devoid of power or jurisdiction and there was no arithmetical or clerical error in the award. The exercise of the power was independent of reference. Therefore, there civil court ceased to have any power after the award became final, to alter or correct clerical or arithmetical errors. The civil court was, therefore, devoid of jurisdiction and power to award or order additional benefits.

F It would, therefore be clear that the claimant was not entitled to the additional benefits and Sections 151 and 152, CPC cannot be invoked to award the additional benefits under the Amendment Act 68 of 1984. The High Court, therefore, has no power to amend the decree to award enhanced statutory benefits. The decree passed by the High Court is clearly without jurisdiction and a nullity.

The appeal is accordingly allowed. No costs.

T.N.A.

Appeal allowed.