

BALWAN SINGH & ORS.

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v.

LAND ACQUISITION COLLECTOR & ANR.

(Civil Appeal Nos. 1867-1872 of 2009)

MARCH 09, 2016

[KURIAN JOSEPH AND ROHINTON FALI NARIMAN, JJ.]

B

Land Acquisition Act, 1894: s.4(1) – Interest for the period from the date of possession to the date of notification u/s.4(1) of the Act – Entitlement – Held: Land owner is not entitled to interest under the Act – However, he is entitled to get rent or damages for use and occupation for the period the Government retained possession of the property – In the interest of justice, 15% awarded by way of damages from the date when the land owners were dispossessed till the date of Notification u/s.4(1) of the Act.

C

Disposing of the appeals, the Court

D

HELD: 1. This Court in the case of *Madishetti Bala Ramul* 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. Following the said view taken by this Court, the respondents are directed 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. [Paras 2, 4] [164-F-G; 165-A]

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R.L. Jain (D) by Lrs. v. DDA & Ors. (2004) 4 SCC 79; 2004 (2) SCR 1156; Madishetti Bala Ramul (dead) by Lrs. v. Land Acquisition Officer (2007) 9 SCC 650; 2007 (7) SCR 222; Tahera Khatoon & Ors. v. Revenue Divisional Officer/Land Acquisition Officer & Ors. (2014) 13 SCC 613 – relied on.

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Case Law Reference

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|-------------------|------------|--------|
| 2004 (2) SCR 1156 | relied on. | Para 1 |
| 2007 (7) SCR 222 | relied on. | Para 2 |
| (2014) 13 SCC 613 | relied on. | Para 3 |

B. CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 1867-1872 of 2009

From the Judgment and Order dated 21.05.2007 of the High Court of Himachal Pradesh at Shimla in RFA No. 329, 330, 332, 333, 334 and 335 of 1997.

C. Y. Prabhakara Rao, Adv. for the Appellant.

Suryanarayana Singh, AAG, Ms. Pragati Neekhara, Adv., with him for the Respondents.

The Judgment of the Court was delivered by

D. **KURIAN, 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. reported in (2004) 4 SCC 79 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.

F. 2. Noticing the above position, this Court in the case of Madishetti Bala Ramul (dead) by Lrs. Vs. Land Acquisition Officer reported in (2007) 9 SCC 650, 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.

H. 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 in (2014) 13 SCC 613.

4. Following the above view taken by this Court, these appeals A
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 B
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.

Devika Gujral

Appeals disposed of. C