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JUDGE-AI (JAI)


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 what is the main issue in this case

 The main issue in this case is the determination of the amount of solatium payable to the petitioners under Section 23 [2] of the Land Acquisition Act, 1894. The court has directed the Land Acquisition Officer to determine the amount within four weeks from the receipt of the order and to pay the determined amount to the petitioners within six weeks thereafter. Before making the payment, the petitioners are required to hand over the possession of the acquired land to the Land Acquisition Officer. The court's decision is based on the constitutional interpretation of the Land Acquisition Act and the intention behind the provision of solatium, interest, and additional amounts under the Act. The petitioners are entitled to payment of solatium under Section 23 [2] @ 30% per annum on enhanced compensation since the award was made prior to the introduction of the Amendment Act 68 of 1984. However, they are not entitled to payment of interest under Section 34, 28 or additional amount under Section 23 [1-A] as amended by the same Act, as they had remained in possession of the acquired land and the intention of these provisions was to mitigate hardship caused by deprivation of enjoyment of their property. The decision is based on the precedence of the Union of India vs. Raghubir Singh case, which clarified the entitlement of claimants to statutory benefits under Amendment Act 60 of 1984 if the proceedings were pending before the Land Acquisition Officer or Civil Court between April 30, 1984 and the date the Act came into force. This case provides a clear legal precedent for determining the entitlement to solatium and other benefits in such cases.

 How many and who were on the benches in this case

 This case was heard by two judges: J.S. Verma and K. Venkataswami. These judges formed the bench in this matter. \n The judgment provided in the precedents is the final decision made by the Supreme Court of India in this case. \n Therefore, the payment of solatium, interest, and additional amount was determined according to the specified legal provisions and the given timeframe. \n The petitioners were required to hand over possession of the acquired land to the Land Acquisition Officer before receiving the payment. No costs were awarded in this matter. \n\n\nLet me know if you have any other legal queries!

 what is the final judgement of supreme court in this case

 In this case, the Supreme Court has directed that the petitioners are entitled to payment of solatium under Section 23(2) of the Land Acquisition Act, 1894, at a rate of 30% per annum on the enhanced compensation. However, the petitioners are not entitled to payment of interest under Section 34, 28, or the additional amount under Section 23(1-A) of the Land Acquisition Act, as they were in possession of the acquired land. \n\n The Land Acquisition Officer is tasked with determining the amount of solatium payable to the petitioners within four weeks of receiving this order, and the amount should be paid to the petitioners within six weeks thereafter. The petitioners are required to hand over possession of the land to the Land Acquisition Officer before receiving payment. The petitions are ordered accordingly, with no costs. \n\n\nThis judgment follows the legal reasoning established in the provided precedents, applying the relevant legal principles to assess the situation and provide a clear and concise judgment based on the specific facts of the case.



what are the legal interpretation and fairness principal maintained by the court



In this case, the court has interpreted the law by determining that the petitioners are entitled to payment of solatium under Section 23(2) of the Land Acquisition Act, 1894, at a rate of 30% per annum on the enhanced compensation. However, the petitioners are not entitled to payment of interest under Section 34, 28, or the additional amount under Section 23(1-A) as amended by Act 68 of 1984, since they were in possession of the acquired land. The court has maintained fairness by taking into account the date of the award, the date when the Amendment Act was introduced, and the date when the Act came into force. The court has also ensured that the petitioners receive their payment within a specific timeframe, and requires them to hand over possession to the Land Acquisition Officer before making the payment. The court's decision is based on a step-by-step reasoning process, carefully considering the legal precedents and applying the relevant legal principles. The provided precedents are directly applicable to this case and provide a strong foundation for the court's judgment. Overall, the court has demonstrated a fair and logical interpretation of the law, taking into account the circumstances of the case.



why were the petitioner awarded a 30% solatium enhanced compensation



The petitioner was awarded a 30% solatium enhanced compensation based on the following reasoning:

- The provided legal precedents indicate that the payment of solatium was determined based on the decision of the Constitution Bench in *Union of India vs. Raghubir Singh* [(1989) 3 SCR 316]. The court concluded that the claimants would be entitled to the statutory benefits under Amendments Act 60 of 1984 if the proceedings were pending before the Land Acquisition Officer or Civil Court between April 30, 1984, i.e., when the Amendment Act 68 of 1984 was introduced on the floor of the Parliament and the date when the Act came into force in September 24, 1984.
- The court further explained that the award came to be made on August 30, 1982, and the supplementary award with regard to the trees etc., came to be made on December 27, 1982. Based on these facts, it was determined that the petitioners would be entitled to payment of solatium under Section 23 [2] @ 30% per annum on enhanced compensation.
- In reaching this conclusion, the court considered the purpose of solatium, which is to mitigate the hardship caused to the owner by deprivation of enjoyment of their property after possession was taken. Since the petitioners remained in possession of the acquired land and the possession was admittedly with the petitioners, they are not entitled to payment of interest under Section 34, 28, or additional amount under Section 23 [1-A] as amended by Act 68 of 1984.
- The court ordered the Land Acquisition Officer to determine the amount of solatium payable to the petitioners within a period of four weeks from the date of the receipt of the order and within six weeks thereafter the amount so determined would be paid to the petitioners. The petitioners were required to hand over the possession to the Land Acquisition Officer before making the payment.

In summary, the petitioner was awarded a 30% solatium enhanced compensation due to their entitlement under Section 23 [2] @ 30% per annum on enhanced compensation, as determined by the decision of the Constitution Bench in *Union of India vs. Raghubir Singh* [(1989) 3 SCR 316], and the purpose of mitigating the hardship caused to the owner by deprivation of enjoyment of their property after possession was taken.



how were the court apply the amendment act 68 of 1984 in this act



In this case, the court applied the amendment act 68 of 1984 by determining the entitlement of the petitioners to statutory benefits under the Land Acquisition Act, 1894. The court concluded that the petitioners would be entitled to payment of solatium under Section 23(2) @ 30% per annum on enhanced compensation since the award was made on August 30, 1982, and the supplementary award with regard to the trees etc., was made on December 27, 1982. However, the petitioners are not entitled to payment of interest under Section 34, 28, or the additional amount under Section 23(1-A) as amended by Act 68 of 1984 because they remained in

possession of the acquired land. The court ordered the Land Acquisition Officer to determine the amount of solatium payable to the petitioners within a period of four weeks from the date of the receipt of the order, and within six weeks thereafter, the amount so determined would be paid to the petitioners. The petitioners were required to hand over possession to the Land Acquisition Officer before making the payment. The court's judgment was based on the application of the amendment act 68 of 1984 and the provisions of the Land Acquisition Act, 1894.



Okay thanks



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