

Munnalal Shivdin Jaiswal And Anr. vs State Of Maharashtra And Ors. on 4 December, 1986

Equivalent citations: AIR1987SC1896, (1987)2SCC423, AIR 1987 SUPREME COURT 1896, 1987 (2) SCC 423

Author: M.P. Thakkar

Bench: B.C. Ray, M.P. Thakkar

JUDGMENT

M.P. Thakkar, J.

1. These appeals arise out of the judgment and order of the High Court determining the market value in respect of 11 Gunthas of land comprised in Survey No. 204 and 30 Gunthas of land comprised in Survey No. 464 situated in Faizpur, Taluka Yaval, District Jalgaon, Maharashtra. These lands were placed under acquisition pursuant to a notification dated the 31 December, 1956 under Section 4 of the Land Acquisition Act. It has not been shown that the High Court has committed an error of principle in determining the market value or computing the compensation. In fact the High Court has set aright an error committed by the trial Court by relying on the instances pertaining to tiny plots which were not comparable at all. There is thus no good ground to interfere with the order passed by the High Court. But a new point is made in the context of the Amending Act No. 20 of 1984. It is contended that the Amending Act would be applicable to pending matters. This question, we are told, has been fully argued before a Constitution Bench of this Court and is awaiting judgment. In case the Constitution Bench takes the view that Amending Act 20 has retrospective operation and owners of land are entitled to solatium or interest at the enhanced rates in the context of the Amending Act in respect of pending matters it will be open to the appellants to apply for review of this order. Subject to this liberty, the appeals fail and are dismissed. There will be no order as to costs.