

## **Kapur Chand Jain (Dead) And Ors. vs State Govt. Of H.P. And Ors. on 10 August, 1998**

**Equivalent citations: AIR1999SC3470, (1999)2SCC89, AIR 1999 SUPREME COURT 3470, 1999 AIR SCW 3459, 1999 (2) SCC 89, (2000) 2 LANDLR 410, (1999) 1 LACC 386**

**Bench: S.B. Majmudar, M. Jagannadha Rao**

### **ORDER**

1. I.A. Nos. 3 and 4 are granted. Legal representatives of petitioner No. 1 are permitted to be brought on record.

2. So far as LA. Nos. 1 and 2 are concerned. We are informed that as petitioner No. 3 had died pending proceedings in the High Court, an application for bringing legal representatives of petitioner No. 3 on record was also filed in the High Court and that is granted. Accordingly, these IAS are also granted. Legal representatives of petitioner No. 3 are permitted to be brought on record as they are already brought on record by the High Court.

3. Learned Counsel for the petitioners invited our attention to a 3 Judge Bench judgment of this Court in Union of India v. Shri Ram Mehar and also later two decisions of 2-Judge Bench of this Court in Periyar and Pareekanni Rubbers Ltd. v. State of Kerala, and Narain Das Jain (since Deceased) by LR's v. Agra Nagar Mahapalika, Agra, . Relying on these judgments, he submitted that for applicability of Section 28 of the Land Acquisition Act, solatium has to be considered as a component of compensation and interest could be paid thereon; and that the High Court has wrongly not granted interest on solatium. However, there is another 3-Judge Bench judgment of this Court in Prem Nath Kapur v. National Fertilizers Corporation of India Ltd. wherein a contrary view is taken and it has been held, as seen from Headnote (C), that no interest is payable on solatium under Section 23(2) or on additional amount payable under Section 23(1-A). For coming to that conclusion, the Bench of three learned Judges relied upon another decision of this Court in P. Ram Reddy v. Land Acquisition Officer .

4. In view of this conflict of decisions and also in view of the further fact that the 3 Judge Bench of this Court in Prem Nath Kapur (supra) had no opportunity to refer to the earlier decision of a 4 Judge Bench in Ram Mehar (supra), we direct that these special leave petitions be placed for decision before a 3 Judge Bench of this Court. The office may obtain suitable Orders from Hon'ble C.J.I.