

Supreme Court of India

State Of Kerala Etc vs T.K. Udaya Sankaran & Ors. Etc on 16 August, 1995

Equivalent citations: 1995 SCC, Supl. (3) 518 1995 SCALE (5)33

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

STATE OF KERALA ETC.

Vs.

RESPONDENT:

T.K. UDAYA SANKARAN & ORS. ETC.

DATE OF JUDGMENT 16/08/1995

BENCH:

RAMASWAMY, K.

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RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1995 SCC Supl. (3) 518 1995 SCALE (5)33

ACT:

HEADNOTE:

JUDGMENT:

WITH CIVIL APPEAL NO. 7573 OF 1995 (Arising out of SLP (C) No. 7288 of 1987) AND S.L.P. (civil) No. 7156 of 1991 O R D E R C.A.@ SLP (C) NOS. 7305 & 7288 OF 1987 Leave granted.

Respondent No. 3 has been served and Shri T.G.N. Nair appeared for him. Service on Respondent Nos. 1 and 2 when admittedly sought to be affected postal endorsement shows "not known". It would be obvious that they appeared to have managed to have the notice returned with that endorsement so as to delay the disposal of the case. Therefore, the notice must be deemed to have been served on them.

Notification under Section 3 of the Kerala Land Acquisition Act, 1961, which is equivalent to Section 4(1) of the Land Acquisition Act, 1894, was published on 22nd June, 1976. The Land Acquisition Officer passed his award in 1977. On reference, the Additional Subordinate Judge enhanced compensation on 24th June, 1980. Under these circumstances, the claimants are not entitled to the enhanced solatium and interest and the benefit of additional amount as envisaged under Section 23

(1-A), 23(2), and 28 of the Central Act as amended by Amendment Act 68 of 1984.

The appeal is accordingly allowed to the above extent. However, the claimant-respondents are entitled to solatium @ 15 per cent on the enhanced compensation and interest @ 4 per cent on the enhanced amount from the date of taking possession till date of payment or deposit whichever is earlier.

S.L.P. (C) No. 7156 of 1991 The Special leave petition is dismissed.