

Supreme Court of India

Priya Vart & Anr vs Union Of India on 7 August, 1995

Equivalent citations: 1995 AIR 2471, 1995 SCC (5) 437

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

PRIYA VART & ANR.

Vs.

RESPONDENT:

UNION OF INDIA.

DATE OF JUDGMENT 07/08/1995

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1995 AIR 2471

1995 SCC (5) 437

JT 1995 (7) 358

1995 SCALE (4) 723

ACT:

HEADNOTE:

JUDGMENT:

O R D E R The notification under section 4 [1] of the Land Acquisition Act, 1894 (for short, 'the Act') acquiring large extent of lands in three villages including Khyala for planned development of Delhi, was published on 3rd september, 1957. The Land Acquisition Collector by his award dated 31st August, 1961, determined the compensation @ Rs.600/- Rs. 400/- and Rs.200/- per bigha to various categories of lands. On reference, the District Court by its award and decree dated 19th March, 1975 enhanced the compensation at flat rate of Rs. 3,000/- per bigha. On further appeal, the High Court in the impuged judgment dated 16th September, 1994 further enhanced the compensation to Rs. 10,000/- per bigha. Since the petitioners claimed compensation @ Rs. 14,000/- per bigha, the special leave petition has been filed for the difference of the amount.

Shri Mahabir Singh, learned counsel for the petitioners contends that as in an earlier case the claimants of other villages, viz., Tatarpur and Basaidarapur had. restricted the claims to Rs. 10,000/- per bigha, the Court having noted that the lands possessed potentiality to increase

compensation to Rs. 14,000/- per bigha, confined the compensation to Rs. 10,000/- per bigha. According to him, that would not form the basis for limiting the compensation to the lands in village Khyala. He further contends that it was noted by the High Court that the lands were possessed of potential value and the petitioners are, therefore, entitled to the higher compensation @ Rs. 14,000/- per bigha. We find no force in these contentions.

The High Court in the impugned judgment had noted that the entire village Tatarpur is located adjacent to Nazafgarh-Delhi Road but the lands in Khyala are far interior to the lands in Tatarpur village. The lands of the village Khyala start from northern boundary of village Tatarpur and the acquired land is farther away towards north from the road. In view of these facts it was found that determination of the compensation at Rs. 10,000/- was just and fair. In view of the distinguishing features explained by the High Court, we think that there is no justification to further enhance the compensation.

It is next contended that this Court in Umed Industries & Land Development Co. & Ors. Vs. State of Rajasthan & Ors. [1995 (1) Scale 309] and in S.A Jain College Trust; Vs. State of Haryana & Anr. [(1995) 3 SCC 74], held that the claimants will be entitled to the enhanced interest at 9 percent under the proviso to section 28 for one year from the date of taking possession and 15 percent thereafter till the date of deposit and also enhanced solatium under section 23 (2) and that, therefore, the petitioners also are entitled to that ratio in as much as the appeals were pending in the High Court by the date of commencement of the Land Acquisition (Amendment) Act 68 of 1984. We find no force in this contention also.

In Union of India Vs. Raghubir Singh [(1989) 2 SCC 754], a constitution Bench of this Court had held that the claimants would be entitled only to interest and solatium if their cases are pending from the date of notification till the date of decision by the Reference Court between April 30, 1982 and September 24, 1984 and the pendency of the appeals in the High Court or this Court would not be a ground for making further enhancement. In the first of the two decisions referred to by the learned counsel for the petitioners, this court dealt with the benefit of Section 23 (1-A) only, which was denied. In the second decision, the Court had no occasion to consider the question at hand. It cannot be conceded that a Bench of two Judges had overruled the decision of the Constitution Bench. Therefore, there is no need for us to make a further reference to the Constitution Bench decision since the controversy has already been covered by the ratio of Raghubir Singh case [supra].

It is next contended that unamended Section 28 prescribes interest only at 6 percent and the Court is entitled to award compound interest in view of the long delay in disposal of the matter. We find no force in this contention as well. When the statute prescribed interest @ 6% per annum, It necessarily means only simple interest and not compound interest and pendency of proceedings is no ground to award compound interest. When the Act prescribes payment of interest at a particular rate, it needs to be awarded at the rate prescribed and in no other way.

The special leave petition is accordingly dismissed.