

Supreme Court of India

The State Of Punjab & Ors. Etc vs Babu Singh & Ors. Etc on 28 February, 1995

Equivalent citations: 1995 SCC, Supl. (4) 256 1995 SCALE (2)385

Author: S Agrawal

Bench: Agrawal, S.C. (J)

PETITIONER:

THE STATE OF PUNJAB & ORS. ETC.

Vs.

RESPONDENT:

BABU SINGH & ORS. ETC.

DATE OF JUDGMENT 28/02/1995

BENCH:

AGRAWAL, S.C. (J)

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AGRAWAL, S.C. (J)

FAIZAN UDDIN (J)

CITATION:

1995 SCC Supl. (4) 256 1995 SCALE (2)385

ACT:

HEADNOTE:

JUDGMENT:

## ORDER

1. Leave granted.

2. After Shri R.B. Mehrotra was elevated to the Bench, notices have been sent to the respondents to make alternative arrangements. All the notices have been returned. In some cases the acknowledgements have not been received. Thus, we deem that the notices have been duly served on the respondents. They do not appear to be interested after the law has been settled by this Court and is against them.

3. Notification under s.4(1) of the Land, Acquisition Act, 1894 (for short 'the Act'), was published in the State Gazette on 11.12.1974 acquiring large extent of land in Village Phullanwal, Tehsil and District Ludhiana for public purpose. The Collector under s. II made his award on 27.9.1976 determining the compensation between Rs.5,000/- and Rs.26,720/- per acre. On reference, by

decree dated 23.2.1978, the Addl. Dist. Judge enhanced the compensation varying between Rs.7,000/- and Rs.40,000/- per acre. On further appeal, the Single Judge enhanced the compensation between Rs.40,000/- and Rs.50,000/- per acre at flat rate by judgment dated 3.9.1980. The L.P.A. was dismissed on 27.4.1981. Thus, the proceedings were concluded prior to the Amendment Act has come into force. Since the S.L.P. was dismissed on 5.9.1983 and some appeals were subsequently disposed of by the High Court, applications under s. 151 and 152 were made in these matters for amending the decree or for awarding the benefits of enhanced solatium, interest and additional amount available under ss. 23(1-A), 23(2), 28 of the Act as amended by L.A. (Amendment) Act 68 of 1984. Calling in question the orders of the High Court of Punjab & Haryana dated 15.7.1988, these appeals by special leave have been filed.

4.It is to be seen that the High Court acquires jurisdiction under s. 54 against the enhanced compensation awarded by the reference court under s-18, under s.23(1) with s.26 of the Act. The Court gets the jurisdiction only while enhancing or declining to enhance the compensation to award higher compensation. While enhancing the compensation "in addition" to the compensation under s.23(1), the benefits enumerated under s.23(1-A) and s.23(2) also interest on the enhanced compensation on the amount which in the opinion of the Court "the Collector ought to have awarded in excess of the sum which the Collector did award", can be ordered. Thus, it would be clear that Civil Court or High Court gets jurisdiction when it determines higher compensation under s.23(1) and not independently of the proceedings.

5.This is the view taken by this Court in C.A. No. 1607/78 titled State of Punjab v. Satinder Bir Singh, disposed of on 22.2.1995.The same ratio applies to the facts in this case, since as on the date when the judgment and decree was made by the High Court, the law was that the High Court should award solatium at 15% and interest at 6%. Payment of additional amount as contemplated under s.23(1-A) cannot be made since the notification under s.4(1) was dated II. 12.1974 and even the award of the District Court was dated 23.2.1978. Under these circumstances, the L.A. Amendment Act 68 of 1984 has no application and there is no error in the award or the decree as initially granted. The High Court was clearly without jurisdiction in entertaining the applications under ss. ISI and 1 52 to award the additional benefits under the Amendment Act 68 of 1984 or to amend the decrees already disposed of

6. The appeals are accordingly allowed. The petitions filed by the respondents before the High Court stand dismissed. Since the respondents are not represented, we make no order as to costs.