

Supreme Court of India

Sunder vs Union Of India (Uoi) on 7 December, 1998

Equivalent citations: (2000) 10 SCC 470

Bench: S Majmudar, K Thomas

ORDER

1. Leave granted on the short question whether interest can be paid on solatium under Section 28 read with Section 34 of the Land Acquisition Act, 1894 on the ground that solatium is a part of compensation. This question squarely arises for consideration as there is an apparent conflict between a three-Judge Bench decision of this Court in the case of Union of India v. Ram Mehar, on the one hand and the later three-Judge Bench decisions of this Court in the cases of Mir Fazeelath Hussain v. Special Dy. Collector, Land Acquisition, , Prem Nath Kapur v. National Fertilizers Corporation of India Ltd., and Yadavrao P. Pathade v. State of Maharashtra, on the other. The later three-Judge Bench judgments have taken the view that solatium is not a part of compensation. However, in none of the later three-Judge Bench judgments the earlier view of the three-Judge Bench judgment in the case of Union of India v. Ram Mehar that solatium is a part of compensation, has been noticed or considered. Consequently, in our view, this matter requires to be decided by a Constitution/larger Bench of this Court. We, therefore, direct that the papers may be placed before Hon'ble the Chief Justice of India for placing the appeals arising out of these proceedings for final disposal before an appropriate Constitution/larger Bench of this Court.