

Ranjit Vs. Union of India

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Court : Delhi

Decided On : Dec-18-1984

Reported in : 1985RLR303

Judge : A.B. Rohatgi and; G.C. Jain, JJ.

Acts : Land Acquisition (Amendment) Act, 1984 - Sections 23(2)

Appeal No. : Civil Miscellaneous Appeal No. 1238 of 1984 and Regular First Appeal No. 10 of 1972

Appellant : Ranjit

Respondent : Union of India

Advocate for Pet/Ap. : R. Tehilramani and; Rekha Sharma, Advs

Judgement :

Avadh Behari, J.

(1) This is an application u/s 30 of the Land Acquisition (Amendment) Act, 1984. By our order dated 29 8.84 we fixed the market value of the land of the applicant at the rate of Rs. 12,000.00 per bigha. In addition we awarded him solarium @ 15% and interest @ 6% p.a. from the date of dispossession till payment and costs.

(2) Now the applicant says that he is entitled to further benefits as conferred by the Amendment Act. The Amendment Act received the assent of the President on 24.9.84 and became the law of the land. It amended S. 28(2) and provided that in addition to the market value the court shall in every case award a sum of 30% on the market value of the land in consideration of the compulsory nature of the acquisition. Previously the law was that solarium was to be awarded @ 15% which we did by our order dated 29.8.84.

(3) The other benefit conferred on the land owner whose land is taken by the Collector is provided by S. 28 as amended. Earlier the rate of interest was 6% p.a. from the date on which the Collector took possession of the land to date of payment. This also we awarded in our previous order. Now the change in the law is this. For the first year the rate of interest shall be 9% p.a. from the date on which the collector took possession of the land. After the expiry of one year the rate of interest shall be 15% p.a. till the date of payment.

(4) The main question is whether the applicant shall be entitled to these benefits when his case admittedly was decided, prior to the coming into force of the Amendment Act, on 29.8.84. The Amendment Act came into force on 24.9.84. The answer to the question is contained in S. 30(2) of the Amendment Act. (S. 30(2) is then reproduced).

(5) From Sub-section (2) it is clear that S. 23(2) which relates to solarium and S. 28 which relates to interest have been made retrospective. The Legislature says that these provisions 'shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal. after 30.4.82 (the date of introduction of the land Acquisition (Amendment) Bill, 1982, in the House of the people) and before the commencement of this Act.' This case squarely falls within the words of sub-section (2), if the case is decided within 30.4.82 & 24.9.84 applicant shall be entitled to the benefits conferred by S. 23(2) and S. 28 as amended.

(6) We, therefore, accept the application and amend the judgment and the decree dated 25th August, 1984 and order that instead of 15% solarium awarded

by us earlier the applicant shall be entitled to 30% solarium on the market value of the land as determined on appeal in this court. Instead of 6% interest p.a. from the date of dispossession till payment the applicant shall be entitled to interest at the rate of 9% p.a. for one year from the date of dispossession and thereafter at the rate of 15% p.a. till payment on the excess compensation as determined by the Additional District Judge and on appeal by this court. We have given our detailed reasons in Raghbir Singh V. Union of India Rfa 113 & 114 of 1968 decided on D. 6.12.84. Whatever has already been paid on account of market value, interest and solarium shall be deducted.

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