IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 279 of 2026

Uttam Kumar Mahto, aged about 56 years, son of Late Lok Nath Mahto, R/o – 137, Dindli Basti, P.O. & P.S. – Adityapur, District – Serraikella Kharsawan … … **Appellant/Petitioner**

Versus

State of Jharkhand … … **Opposite Party**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mrs. Moushmi Chatterjee, Advocate
For the Opposite Parties : Mr. Krishna Kr. Bhatt, AC to SC I

07/**14.08.2026** Heard the learned counsel for the parties.

2. This petition has been filed under sections 151 and 152 of C.P.C. for modification of judgement and decree dated 25.08.2025 passed by this Court in F.A. No.152 of 2012 to the extent the statutory interest in terms of Section 34 of Land Acquisition Act has not been granted.

3. The learned counsel for the petitioner submits that in F.A. No.152 of 2012, this Court followed the judgement passed in F.A. No.35 of 1994. However, in F.A. No.34 of 1994, CMPs were filed which were numbered as CMP No.340 of 2013 with CMP No.342 of 2013 and the judgement and decree passed in F.A. No.34 of 1994 was modified to the extent that the appellants would be entitled for interest in accordance with Section 34 of the Land Acquisition Act, 1894. The order dated 24.01.2014 passed in CMP No.340 of 2013 with CMP No.342 arising out of judgement passed in F.A. No.34 of 1994 is quoted as under: _

> *"The present applications are filed under Section 151 read with Section 152 of the Code of Civil Procedure, inter alia, praying for modification/correction in the judgment/decree dated 1" November, 2012, passed by this Court in Appeal from Original Decree No. 35 of 1994, whereby the judgment and decree has been prepared under Section 23 (2) of the Land Acquisition Act and solatium has been awarded at the rate of 30 per cent on the awarded amount.*
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> *2. The learned counsel for the petitioners submitted that in view of the provision contained in Section 34 of the Land Acquisition Act,*

the petitioners are entitled to get interest on the awarded amount at the rate of 9 per cent per annum from the time, the land is taken in possession, until it shall have been so paid or deposited.

3. The learned counsel appearing for the State has not controverted the averments made in the C.M.Ps. by filing any counter affidavit and is also not in a position to controvert the legal proposition as enumerated under Section 34 of the Land Acquisition Act.

4. Upon hearing the learned counsel for the petitioners as well as learned counsel appearing for the State, it appears that in view of provision as contained under Section 34 of the Land Acquisition Act, the petitioners are entitled to get interest on the awarded amount. Section 34 of the Act provides as under:-

Section 34: Payment of Interest:-

"When the amount of such compensation is not paid or deposited on or before taking compensation of the land, the Collector shall pay the amount awarded with interest thereon at the rate 9% per annum from the time of so taking possession until it shall have been so paid or deposited.

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest @ 15% per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry."

5. In view of the provision as contained under Section 34 of the Land Acquisition Act and looking to the facts and circumstances of the present case, the petitioners are entitled to get interest as provided thereunder. Accordingly, interest be awarded in accordance with provision as contained under Section 34 of the Land Acquisition Act.

6. The judgment and order dated 01" November, 2012 is modified to the aforesaid extent.

7. Both these CMPs [C.M.P. No. 340 of 2013 and C.M.P. No. 342 of 2013] stand allowed and disposed of."

4. The learned counsel submits that the interest under Section 34 of Land Acquisition Act, 1894 is the statutory right of the claimants and due to inadvertence, the modified judgement and decree of F.A. No.35 of 1994 could not be placed before this Court at the time of disposal of F.A. No.152 of 2012, and therefore, this petition has been filed.

5. The learned counsel for the State has submitted that it was for the petitioner to take care that the modified order of F.A. No.35 of 1994 was also placed before this Court at the time of disposal of the first appeal, but so far as the other submissions with regard to entitlement of statutory interest under Section 34 is concerned, the same is not in dispute.

6. This Court finds that F.A. No.152 of 2012 was disposed of in terms of F.A. No.35 of 1994. However, the judgement and decree passed in F.A. No.35 of 1994 was itself subsequently modified by further awarding interest in terms of Section 34 of the Land Acquisition Act,1894. This fact could not be brought to the notice of this Court at the time of disposal of F.A. No.152 of 2012.

7. Consequently, the judgement and decree passed in F.A. No.152 of 2012 is hereby modified by adding that the claimants shall also be entitled to statutory interest in accordance with the provisions contained in Section 34 of the Land Acquisition Act, 1894 and in the same terms as have been granted through CMP No.340 of 2013 with CMP No.342 of 2013 arising out of judgement passed in F.A. No.34 of 1994.

8. Office is directed to prepare the modified decree.

9. Let this order along with a copy of the modified decree be communicated to the court concerned through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

Date of Order: 14.08.2026
Date of Uploading:19.08.2026
Saurav/-