

IN THE HIGH COURT OF TRIPURA
AGARTALA

REV.PET. NO.10 OF 2015

The Union of India,
represented by the Asst. Defence Estates Officer,
Lichibagan, P.O. Salbagan,
P.S. New Capital Complex, Agartala-799012

..... Petitioner

– Vs –

Shri Ranu Marak,
son of late Pulin Marak,
resident of Nandannagar,
P.S. New Capital Complex, District : West Tripura

.....Respondent

B E F O R E
THE HON’BLE MR. JUSTICE S. TALAPATRA

For the petitioner : Mr. A. Lodh, Advocate

For the respondent : Ms. P. Deb (Pal)

Date of hearing & order : 13.08.2015

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

Heard Mr. A. Lodh, learned counsel appearing for the petitioner and Ms. P. Deb (Pal), learned counsel appearing for the respondent.

2. The solitary ground that has been asserted in this review petition is that the interest on solatium would only be

payable from 19.09.2001 i.e. the date of passing of the judgment in **Sunder Vs. Union of India**, reported in **(2001) 7 SCC 211**. For that purpose, a decision of the apex court in **Gurpreet Singh Vs. Union of India**, reported in **(2006) 8 SCC 457**, has been referred to, for demonstrating that no interest on the solatium can be provided anterior to 19.09.2001 in absence of any definite direction or express order by the Land Acquisition Judge to make payment of interest from the date of notification under Section 4 of the Land Acquisition Act, 1894

3. It would be apparent from the impugned judgment that, that aspect of the matter has been considered by this court in view of Section 34 of the said Act. It is apparent from the records that the Land Acquisition Judge has provided the market value, 30% thereon as the solatium. Further that the land-losers will receive interest.

4. If the said direction is read with what has been held in **Sunder Vs. Union of India** as regards the proviso to Section 34 of the L.A. Act, no further express order is required to hold that the interest on the solatium shall carry interest from the date of the acquisition notification. In **Sunder Vs. Union of India**, the apex court has observed that :

"It is inconceivable that the solatium amount would attract only the escalated rate of interest from the expiry of one year and that there would be no interest on solatium during the preceding period. What the legislature intended was to make the aggregate amount Under Section 23 of the Act to reach the hands of the person as and when the award is passed, at any rate as soon as he is

deprived of the possession of his land. Any delay in making payment of the said sum should enable the party to have interest on the said sum until he receives the payment. Splitting up the compensation into different components for the purpose of payment of interest Under Section 34 was not in the contemplation of the legislature when that section was framed or enacted. [Emphasis added]

5. Therefore, when it has been directed that interest shall be paid, it implies that interest shall be accounted under Section 34 of the L.A. Act. It is nothing but an express order for payment of interest on the solatium.

6. When no interest has been directed by the Land Acquisition Judge to be paid on the solatium, the executing courts can only give the interest from 19.09.2001, not in respect of the other cases where such express order is available.

7. Hence, this review petition is devoid of merit and is dismissed.

However, in the fact and circumstances of the case, there shall be no order as to costs.

JUDGE

ROY