

IN THE HIGH COURT OF TRIPURA
AGARTALA

REV.PET. NO.21 OF 2014

Union of India,
represented by the Asstt. Defence Estate Officer,
Abhoynagar, P.O. Abhoynagar, P.S. East Agartala.

..... Petitioner

– Vs –

Sri Nirmal Debbarma,
son of Sri Padma Mohan Debbarma,
resident of East Agartala, P.S. East Agartala,
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 : None

Date of hearing & order : 23.02.2015

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

Heard Mr. A. Lodh, learned counsel appearing for
the petitioner.

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 categorical direction or express order by the Land Acquisition Judge to pay interest from the date of notification.

3. It would be apparent from the impugned judgment that, that aspect of the matter has been considered by this court having reference to the proposition of **Gurpreet Singh Vs. Union of India**. In para 7 of that judgment it has been categorically observed that, the Land Acquisition Judge has provided that of the market value, 30% shall be the solatium and the land-losers will get interest at various rates as provided by Section 34 of the L.A. Act.

4. This court fails to understand 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 calculated under Section 34 of the L.A. Act, it has to be deemed to be the express order for payment of interest on the solatium.

6. This court has also dealt with this matter in the judgment dated 17.01.2015, delivered in CRP No.6/2014 and CRP No.8/2014 by holding similar view.

7. 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.

8. Hence, this review petition is devoid of merit and is dismissed without issuing any notice.

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

JUDGE

ROY