

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

CRP No.91 of 2015 & CRP No.94 of 2015

A) CRP No.91 of 2015.

The Union of India to be represented by
Assistant Defence Estates Officer,
Lichubagan, P.O - Salbagan,
P.S. - New Capital Complex, Agartala - 12.

..... *Petitioner.*

- *Vs* -

Shri Kamada Ranjan Choudhury,
S/O Lt. Jogendra Chandra Choudhury,
Resident of Abhyonagar, P.O - Abhoynagar,
P.S. - East Agartala, West Tripura.

..... *Respondent.*

B) CRP No.94 of 2015.

The Union of India to be represented by
Assistant Defence Estates Officer,
Lichubagan, P.O - Salbagan,
P.S. - New Capital Complex, Agartala - 12.

..... *Petitioner.*

- *Vs* -

- 1. Shri Khirode Chandra Singha,**
S/o Late Jugneswer Singha,
Resident of West Noabadi,
P.O - Nandannagar, P.S. - Bodhjungnagar,
West Tripura.
- 2. Shri Subrata Singha,**
S/o Late Jugneswer Singha,
Resident of West Noabadi,
P.O - Nandannagar, P.S. - Bodhjungnagar,
West Tripura.
- 3. Smt. Suchitra Singha,**
D/o Late Jugneswer Singha,
Resident of West Noabadi,
P.O - Nandannagar, P.S. - Bodhjungnagar,
West Tripura.

4. **Smt. Sanchita Singha,**
D/o Late Jugneswer Singha,
Resident of West Noabadi,
P.O - Nandannagar, P.S. - Bodhjungnagar,
West Tripura.

..... *Respondents.*

 _B_E_F_O_R_E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioners : Mr. A Lodh, Advocate.

For the respondents : None.

Date of hearing & judgment : 03.8.2015.

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

These petitions are being disposed of by a common judgment since identical question of law is involved in both the cases.

2. According to the claimants, they are entitled to interest on the amount of solatium as per the law laid down in ***Sundar Vrs. Union of India, (2001) 7 SCC 211*** whereas the case of the Union of India is that no specific interest has been awarded on the amount of solatium and therefore, the interest on the solatium shall be payable only w.e.f 19.9.2001 when ***Sundar's*** case was decided.

3. This Court has earlier decided this issue and this Court has interpreted the judgment in ***Gurpreet Singh Vrs. Union of India, (2006) 8 SCC 457*** in the following terms :

“[7] The gist of the judgment of the Apex Court is as follows :

(1) Since the Executing Court cannot go behind the decree if the land reference Judge has rightly or wrongly specifically rejected the prayer for grant of interest on solatium then the Executing Court cannot grant such interest.

(2) If the Land Acquisition Judge has specifically granted interest on solatium then it is payable from the date of notification issued under Section 4 of the L. A. Act, 1894.

(3) The Apex Court further held that there were a large number of cases where there is no specific reference to interest payable on solatium. There may also be cases where claim for interest on solatium had not been made and, therefore, there was no question of accepting or rejecting such a claim. In these cases the Apex Court held that the executing Court was free to follow the judgment of Sunder(supra) and grant interest on solatium but with the caveat that in such cases the interest would be awarded only from 19.09.2001 i.e. the date when Sunder’s case was decided.

(4) The Apex Court also made it clear that the executing Court could award interest on solatium only in pending executions and where the execution proceedings had been disposed of, the matter could not be re-opened.”

4. It is contended by Mr. Lodh that in the present case no specific interest on solatium has been awarded and therefore, the interest should only be awarded from 19.9.2001.

5. The relevant portion of the award of the Land Acquisition Judge reads as follows :

“17. In view of this background I can not but hold that all the claimant petitioners are entitled to get @ Rs.24,000/- per kani for their acquired lands(flat rate). Besides that they shall also get an additional amount of 12% per annum on the market value w.e.f. the date of publication of notification under section 4(1) of the Land Acquisition Act to the date of award of the Collector or the date of taking possession of the land, whichever is earlier. Besides that solatium @ 30% per annum of the market value as determined by this court shall be paid to the claimant petitioners. Further that the claimant petitioners are also entitled to get interest @ 9% per annum form the date of taking possession of land for one year and thereafter @ 15% per annum on the enhanced amount.”

A perusal of the aforesaid portion of award of the Land Acquisition Judge makes it amply clear that the Land Acquisition Judge held that the claimants were entitled to market value of the land and also solatium @ 30% on the market value of the land. The Land Acquisition Judge also held that in addition to the market value and solatium the claimant was entitled to interest on the “enhanced amount”.

6. In my view, the words “enhanced amount” would include both the market value as well as the solatium and therefore, the Land Acquisition Judge has awarded interest on

solatium. As such I find no error in the award of the learned executing Court and the petitions are, accordingly, rejected.

CHIEF JUSTICE

Sukhendu