

THE HIGH COURT OF TRIPURA AGARTALA

CRP No.100 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 Anath Bandhu Debnath,
S/O Beni Madhab Debnath,
Resident of West Nowabadi,
P.O - Nandannagar, West Tripura.

..... *Respondent.*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner : Mr. A Lodh, Advocate.
Mr. S. Debnath, Advocate.

For the respondent : None.

Date of hearing & judgment : 22.09.2015.

Whether fit for reporting : No.

JUDGMENT & ORDER (ORAL)

This petition under Article 227 of the Constitution of India is directed against the order dated 13.08.2013 passed by the learned Land Acquisition Judge, Court No.2, West Tripura, Agartala in Ex(M) 15 of 2001 in connection with the Misc. L.A. 23 of 1987 & FA 31/1991 for quashing the impugned order.

2. According to the claimant, he is 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 :

"7) So considering the facts and circumstances of the case I award compensation @ Rs. 22,000/- per kani in respect of bastu land. @ Rs. 18,000/- per kani in respect of Langa land and @ Rs. 14,000/- per kani in respect of Tilla Class of land.

8) The Claimants-Petitioners as per amended Act of Section 23 of L.A. Act would get compensation @ Rs. 12% on the rate fixed by this Court from the date of notification till the date of taking possession of the acquired land or till the date of making award by the Collector, whichever is earlier. Claimant-Petitioners will get compensation @ 30% on the award money U/S 23 Sub-Rule 2 of the L.A. Act. Claimants-Petitioners will get further interest @ Rs. 9% per annum on the award money till the date of realization of the compensation."

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 “award money”.

6. In my view, the words “award money” 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

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