



CRP. Nos.3517, 3518, 3519 of 2007 and 4813 & 4814 of 2013

N.SATHISH KUMAR, J.

These revisions have been listed today at the instance of the learned senior counsel for the second respondent/TNHB.

2. When the cases were taken up, it was submitted by Mr.M.K.Kabir, learned senior counsel for the TNHB that there are some corrections in the common order dated 30.01.2025 and his appearance is not marked for the TNHB. Further, he also seeks for separate cause-titles of all the revisions in the common order.

3. Such view of the matter, the following corrections are to be incorporated in the common order dated 30.01.2025:

Appearance

“For Respondents : Mr.D.Gopal, Government Advocate - R1
Mr.M.K.Kabir, Senior Counsel for
Mr.C.Kalaichelvan, Standing Counsel for R2/TNHB ”

In paragraph (3)

3. The brief background of the case is as follows :
A extent of 53 grounds and 858 sq.ft. in Survey No.1693/6 Mylapore Village was acquired for the purpose of construction of multi storeyed building and flats by the Tamilnadu Housing Board.



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Section 4[1] notification was published on **21.09.1986***. Subsequent to the same, an award in Award No.1 of 1989 was passed fixing the compensation at Rs.87,692.30/- per ground. Challenging the said award, the claimants sought reference in L.A.O.P.No.26 of 1989 wherein the compensation has been enhanced to Rs.3,30,000/- per ground. Not satisfied with the compensation fixed by the reference Court, the claimant filed an appeal before this Court. As against the same, the claimant as well as the Housing Board preferred appeal suits in A.S.Nos.670 of 1991 and 955 of 1992. It is to be noted that reference Court has included solatium and interest on the additional amount along with the compensation amount including interest. However, the appellate Court held that the same is not permissible and held as follows :

“ The question whether solatium has to be considered as a component of compensation and whether interest cant be paid thereon is referred to a Large Bench in Kapurchand Jain Vs. State Government of Himachal Pradesh [1999 [2] SCC 90]. On the final verdict, the claimants are entitled to get the decree modified accordingly and compensation calculated and paid without a formal amendment of the decree by this Court.”

Thereafter in Sunder Vs. Union of India in Civil Appeal Case No.6271 of 1998, Larger Bench of Supreme Court has held that solatium provided under section 23[2] of the Act forms an integral and statutory part of the compensation awarded to a landowner, then from the plain terms of section 28 of the Act, it would be evident that the interest is payable on the compensation awarded and not merely on the market value of the land and further held that the interest awardable under section 28 would include within its ambit both the market value and grant of interest on solatium as well and finally held that

“ In our view the aforesaid statement of law is in accord with the sound principle of interpretation. Hence the person entitled to the compensation awarded is also entitled to get interest on the aggregate amount including solatium. The reference is answered accordingly.”

In paragraph (5)

5. Subsequent to the above judgments of the Larger Bench of



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the Supreme Court, the Government has also passed a Government Order in G.O.Ms.No.70 dated **30.01.2003***, which reads as follows :

“The Government accordingly direct that in super session of the Orders issued in G.O. Read above in the land acquisition cases a person entitled to the compensation awarded under the Land Acquisition Act 1894 is also entitled to get interest on the aggregate amount including solatium and additional market value awarded and that this will apply to all pending cases on the date of judgment of the Supreme Court of India and not earlier.”

In paragraph (8)

“ 8. When the matter came up before this Court, this Court directed both the parties to file calculation memo. Though it is submitted by the learned Government Advocate appearing for the first respondent and **learned senior counsel appearing for the second respondent/TNHB*** that since they have already made payment on **31.03.2001*** as per the Order of this Court in Civil Appeals in A.S.Nos.670 of 1991 and 955 of 1992, the first and second respondents are not liable to pay any interest. The very contention of the learned **counsels** appearing for the first and second respondents cannot be countenanced for the simple reason that this Court while disposing the appeal suits has clearly held that the claimants are entitled to get the decree modified on the basis of the decision of the Larger Bench of the Supreme Court. In Sunder Case cited supra, the Supreme court by the judgment dated 19.09.2001 has held that interest on solatium is payable. Now both the counsels fairly agreed that from the date of Sunder Case judgment cited supra, viz., from 19.09.2001 interest on solatium and also 15% of the market value shall be payable by the first and second respondents.”

N.SATHISH KUMAR, J.,



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4. Registry is directed to incorporate the above corrections in the common order dated 30.01.2025 and print separate cause-titles for all the revisions and issue afresh order copies. Except the above corrections with regard to the appearance and typographical errors, the common order remains intact.

19.02.2025

dhk

Note: Issue order copy today (20.02.2025)

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