



WEB COPY

CMP No. 9085 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMP No. 9085 of 2006

in

A.S.No.595 of 1989

1. Thirukamu Naicker (died)
2. Radjambalee(since Deceased)
3. Saradamballe
4. Gounassegary
5. Sarodjiny
6. Djea
7. Kalaiarasu
(Appellants 2 To 7 Brought On
Record As Legal Representatives Of
The 1st Appellant Vide Order
Dt:19/11/1999 In Cmp Nos.11702/1999)

..Appellant(s)

Vs

Union Of India
Rep. by the Secretary To Government
Revenue Department,
Pondicherry.

..Respondent(s)

To pass an order including the Additional amount of compensation as per Section 23(1-A) Solatium as per section 23 (2) and interest as per section 28 of the Land Acquisition Act, 1894 by amending the Judgment and Decree passed in AS No.595 of 1989 dated 30/10/2002.



For Appellant(s):

Mr.R.Natarajan

For Respondent(s):

Mr.Ramaswamy Meyyappan
Government Advocate (Pondicherry)

WEB COPY

ORDER

The present Civil Miscellaneous Petition has been filed to pass an order including the Additional amount of compensation as per Section 23(1-A) Solatium as per section 23 (2) and interest as per section 28 of the Land Acquisition Act, 1894 by amending the Judgment and Decree passed in AS No.595 of 1989 dated 30.10.2002.

2. A perusal of the judgment in the case of ***Union of Pondicherry Vs. Govindammal made in A.S.No.269 of 1992 dated 30.10.2002***, upon which, reliance had been placed in granting the enhanced compensation to the appellants, would also indicate that the Hon'ble Division Bench had also entitled solatium of 30% on the enhanced amount that had been passed.

3. For better appreciation, the relevant paragraph is extracted hereunder:

“11.The reference Court has also awarded a solatium of 30% on the total compensation awarded whereas it should have been only on the excess amount awarded by the Court below. Same also regarding the additional amount awarded under



Section 23(1-A) of the Act. The Supreme Court in Premnath Kapur

V. National Fertilizer Corporation of India Limited (1996 (2) SCC

71) held that no interest is payable on solatium under Section

23(2) or additional amount under Section 23(1-A) of the Act. No

solatium is payable on additional amount payable under Section

23(1-A). In the Kapur Chand Jain and others V. State of H.P and

others (1999 (2) SCC 89), the Supreme Court has referred the

matter to three-Judge Bench. Accordingly, we modify the decree,

holding that the claimants are entitled to 30% solatium only on

the excess amount awarded by the reference court, i.e. 30% on

Rs.7,32,562.50 which comes to Rs.2,19,768.75 totalling

Rs.9,52,331.25. The respondent is entitled to this amount less

Rs.1,89,263.40, the amount already received by him. He is also

entitled for additional interest on this amount of Rs.7,32,562.50.

The decree of the reference court has to be accordingly modified.

We further make it clear that the matter has been referred to a

larger Bench of the Apex Court to decide the question of interest,

on the additional amount as well as the solatium. In case the Apex

Court takes a different view, the respondents-claimants are

entitled for the additional amount on interest and solatium without

seeking for the further amendment of the decree. The appeal is

allowed accordingly. No costs."



4. In view of the decision of the Hon'ble Division Bench made in *A.S.No.269 of 1992 dated 30.10.2002*, which has been followed by the Division Bench of this Court in the instant appeal, this Civil Miscellaneous Petition stands ordered as prayed for and there shall be a direction to the respondent to also include 30% of the solatium and interest thereon on the enhanced amount awarded by this Court. No costs.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

kak

To
The Secretary To Government,
Union Of India
Revenue Department,
Pondicherry



WEB COPY

CMP No. 9085 of 2



K.KUMARESH BABU, J.

kak

**CMP No. 9085 of 2006
in
A.S.No.595 of 1989**

17-03-2026