

SPECIAL LAND ACQUISITION OFFICER

v.

SHARANABASAPPA SHIVAYOGAPPA TYAPAL AND ORS.

AUGUST 16, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Land Acquisition Act, 1894 (as amended by Amendment Act 68 of 1984) :

Ss.23 (1-A), 23(2), 28—Acquisition of land—Compensation—Awards made by Land Acquisition Officer on 12.10.1978 and by reference Court on 31.3.1980—Held : claimants not entitled to benefits available under Amendment Act 68 of 1984.

The State Government filed the appeals by special leave against the judgment of the High Court in certain cases arising out of the award made by the Land Acquisition Officer on 12.10.1978 and the order of the reference court made on 31.3.1980.

Allowing the appeals and modifying the order of the High Court, this Court

HELD : The claimants are not entitled to the enhanced benefits under Sections 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894 as amended by the Amendment Act 68 of 1984. They are, however, entitled to 15 percent solatium on the enhanced compensation and interest @ 5 per cent annum under the local amended Act on the enhanced compensation from the date of taking possession till the date of payment or deposit whichever is earlier. [761-B-C]

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 7594-99 of 1995.

From the Judgment and Order dated 26.5.87 of the Karnataka High Court in M.S.A. Nos. 75-80 & 74 of 1987.

M. Veerappa for the Appellant

The following Order of the Court was delivered :

A Leave granted.

The Land Acquisition Officer's award in dated the 12th October, 1978 and the Reference Court award is of 31st March, 1980. Under these circumstances, the claimants are not entitled to the enhanced benefits under Sections 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894 as amended by the Amendment Act 68 of 1984. The award of the High Court is modified and the grant of benefits are set aside. However, the claimants are entitled to 15 per cent solatium on the enhanced compensation and interest @ 5 per cent per annum under the local amended Act on the enhanced compensation from the date of taking possession till the date of payment or deposit whichever is earlier.

C

The appeals are accordingly allowed to the above extent.

R.P.

Appeals allowed.