

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).1138-1139 OF 2016
(Arising out of SLP(C)Nos.9337-9338 OF 2013)

ANIL KUMAR & ORS. ETC. . . . APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. . . . RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).1140-1141 OF 2016
(Arising out of SLP(C)Nos.5709-5710 OF 2014)

O R D E R

1. Leave granted.
2. These appeals are directed against the judgment and order dated 12.10.2012 passed by the High Court of Judicature at Allahabad in First Appeal Nos.961 and 963 of 1999.
3. The only question that would arise for consideration in the present case is whether compensation to the land owners for occupation of the land prior to acquisition thereof should be paid by way of interest on the awarded amount or by ascertaining the damages/rent etc. for such occupation. In the

present case, there is no dispute on the fact that the land was occupied prior to acquisition for a period of about 26 years (i.e. from 01.07.1971 to 16.02.1997).

4. The High Court reversed the order of the Reference Court directing that the claimants/land owners would be entitled to damages as may be computed by the Collector and not interest as awarded.

5. During the course of hearing we have been taken through the decision of this Court in "*Madishetti Bala Ramul (D) by Lrs. vs. The Land Acquisition Officer*", reported in (2007) 9 SCC 650, wherein, in somewhat similar facts and circumstances, namely, long possession from the year 1971 to 1991 before acquisition, this Court had held that the entitlement of the petitioner could be determined by awarding additional interest @ 15% per annum on the amount awarded for the period of possession prior to acquisition. This Court in para 20 of the reported judgment has held that such a course of action would be a sound and reasonable basis to deal with such a situation instead

of causing remand of the matter to the Collector for determination of the quantum of damages.

6. Since the facts of the present case are identical with the facts of *Madishetti Bala Ramul (supra)*, we therefore see no reason to take a different view. Accordingly, in the peculiar facts of the case and having regard to the long possession prior to the acquisition (26 years), we direct that the appellant be paid interest @ 15% per annum on the amount awarded for the period of possession prior to acquisition i.e. from 01.07.1971 to 16.02.1997.

7. The order of the High Court is interfered with in the above terms and the appeals are accordingly allowed.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 12, 2016

ITEM NO.43

COURT NO.7

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9337-9338/2013

(Arising out of impugned final judgment and order dated 12/10/2012 in FA No. 961/1999 and FA No. 963/1999 passed by the High Court of Judicature at Allahabad)

ANIL KUMAR & ORS. ETC.

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

WITH

SLP(C) No. 5709-5710/2014

(With appln.(s) for c/delay in filing process fee and Office Report)

Date: 12/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Dinesh Dwivedi, Sr. Adv.
Ms. Shalini Kumar, Adv.
Ms. Niranjana Singh, Adv.

Mr. Kapil Rustogi, Adv.
Mr. Sahilendra, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Kapil Mishra, Adv.
Mr. B. V. Balaram Das, Adv.

For Respondent(s) Mr. Kapil Rustogi, Adv.
Mr. Sahilendra, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Kapil Mishra, Adv.
Mr. B. V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Asha Soni)
Court Master

(Signed order is placed on the file.)