

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6035 OF 2008

FATIMA BI (DEAD) THROUGH LRS. . . . APPELLANT(S)
VERSUS

STATE OF MADHYA PRADESH RESPONDENT(S)

O R D E R

1. This Civil Appeal is directed against the judgment and order, passed by the High Court of Madhya Pradesh at Jabalpur in First Appeal No.148 of 1991, dated 21.07.2006, whereby and whereunder the High Court has allowed the appeal in part holding that the claimant is entitled to interest on solatium.

2. The respondent-State issued a notification under Sections 4 and 17(1) of the Land Acquisition Act, 1894 (for short, "the Act") for acquisition of the land admeasuring 1.619 hectares for the purpose of construction of Government Mining Polytechnic Hostel at Shahdol.

3. The Land Acquisition Officer (for short, "the LAO"), on consideration of the material

brought on record passed an award, dated 23.06.1987, granting compensation at the rate of Rs. 2/- per sq. ft.

4. Being dissatisfied with the aforesaid award of the LAO, the original land-owner, Mohd. Haneef, sought for an adjudication of the fair market value of the land in question and therefore filed application under Section 18 of the Act for reference to the Civil Court.

5. The Reference Court, after going through the oral and documentary evidence, came to the conclusion that the valuation of the land in question should be enhanced. Therefore, relying on the report submitted by the Patwari, the Reference Court awarded compensation at the rate of Rs.4.46/- per sq. ft. and further held that the claimant was entitled for solatium at the rate of 30 per cent and other statutory benefits under the Act.

6. Being aggrieved with the award so passed by the Reference Court, the State of Madhya Pradesh

preferred appeal before the High Court.

7. The High Court has not approved the approach of the Reference Court in assessing the market value of the land in question and observed that the same be reduced to Rs.3/- per sq. ft. Further, the High Court has held that the Reference Court was wrong in not granting interest on the solatium, which is a statutory benefit. Therefore, the High Court allowed the appeal in part by reducing the compensation awarded, but held that interest on solatium has to be paid as per the provisions of the Act.

8. Aggrieved by the aforesaid judgment and order passed by the High Court, the Legal representative(s) of deceased Fatima Bi (since deceased) are before us in this appeal.

9. We have heard learned counsel for the parties to the *lis* and carefully perused the awards/Orders passed by the Courts below.

10. In our considered opinion, keeping in

view the peculiar facts and circumstances of the case and also other factors, the High Court was neither justified in reducing the compensation awarded, nor in granting interest on the solatium.

11. In the result, this appeal is allowed and the impugned judgment and order passed by the High Court is set aside. The order passed by the Reference Court is hereby restored.

12. In view of the above, this Civil Appeal is disposed of.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

.....J.
[AMITAVA ROY]

NEW DELHI,
MAY 14, 2015.

ITEM NO.104

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6035/2008

FATIMA BI (DEAD) THROUGH LRS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

Date : 14/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Sunil Singh Parihar, Adv.
Mr. Shankar Divate, Adv.

For Respondent(s) Mr. Sunny Choudhury, Adv.
Mr. Mishra Saurabh, Adv.
Mr. C. D. Singh, Adv.

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

The civil appeal is disposed of in terms of
the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]