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C.A.No. 6610 OF 1997

ITEM No.104

Court No. 7

SECTION XIIA

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.6610 of 1997

UOI & ANR. Appellant (s)

VERSUS

M. RATNAIAH & ORS. Respondent (s)

(With office report)

Date : 25/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. N.N.Goswami, Sr. Adv.
Mrs. Rekha Pandey, Adv.
Mrs. Anil Katiyar, Adv.

For Respondent (s)Mrs. D. Bharathi Reddy, Adv.

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

Heard parties for ten minutes.

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

There will be no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6610 OF 1997

UOI & ANR. Appellant (s)

VERSUS

M. RATNAIAH & ORS. Respondent (s)

O R D E R

This appeal arises out of a judgment dated 13th March, 1997 by which the Writ Appeal filed by the appellants has been dismissed. Briefly stated, the facts are as follows:

The concerned land was acquired in 1971 under the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as "The Act"). The award of the Arbitrator was made in 1989. The High Court maintained the award and in addition gave solatium at the rate of 30%. The Special Leave Petition filed by the State Government, which was the acquiring authority, was dismissed by this court with the following order:

"Delay condoned. We do not find this to be a fit case for our interference under Article 136 of the Constitution. This SLP is dismissed."

The land owners then filed a writ petition against the Union of India, for a direction that they be directed to pay the compensation, solatium and interest as awarded.

At the admission stage itself on 6th June, 1996, the Union of India was directed to pay these amounts. It appears that compensation was paid but solatium and interest were not paid. A contempt petition was filed. The Union of India then paid the amount of solatium as well as interest. After making payment, the Union of India filed a Writ Appeal challenging the directions to pay. That Writ Appeal has been dismissed by the impugned judgment.

This appeal has been filed stating that, even though payment has been made, the Union of India is interested in getting the law settled. The law has now been settled by a Constitution Bench of this Court in the case of Union of India v. Chajju Ram, reported in (2003) 5 SCC 568 wherein it has been held that solatium and interest are not payable under the Act. However, the judgment itself provides that if the amounts are already paid long back, then they should not be recovered.

In our view, the present appeal is fully covered by this judgment and stands disposed of on the ratio set out in Chajju Ram's case (supra). There will be no order as to costs.

.....J.
(S.N. VARIAVA)

.....J.
(H.K. SEMA)
New Delhi;
September 25, 2003.