

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

Petition(s) for Special Leave to Appeal (Civil) No(s).25319-25378/2004

(From the judgement and order dated 01/06/2004 in CRP No. 650/2003 & CRP No. 1306/2003 & CRP No. 1307/2003 & CRP No. 1308/2003 & CRP No. 1309/2003 & CRP No. 1310/2003 & CRP No. 1311/2003 & CRP No. 1325/2003 & CRP No. 1326/2003 & CRP No. 1327/2003 & CRP No. 1328/2003 & CRP No. 1329/2003 & CRP No. 1330/2003 & CRP No. 1331/2003 & CRP No. 1332/2003 & CRP No. 1333/2003 & CRP No. 1334/2003 & CRP No. 1336/2003 & CRP No. 1337/2003 & CRP No. 1338/2003 & CRP No. 1340/2003 & CRP No. 1341/2003 & CRP No. 1342/2003 & CRP No. 1343/2003 & CRP No. 1345/2003 & CRP No. 1347/2003 & CRP No. 1348/2003 & CRP No. 1349/2003 & CRP No. 1372/2003 & CRP No. 1373/2003 & CRP No. 1374/2003 & CRP No. 1375/2003 & CRP No. 1376/2003 & CRP No. 1377/2003 & CRP No. 1378/2003 & CRP No. 1379/2003 & CRP No. 1659/2003 & CRP No. 1660/2003 & CRP No. 1661/2003 & CRP No. 1662/2003 & CRP No. 1663/2003 & CRP No. 1664/2003 & CRP No. 1666/2003 & CRP No. 1668/2003 & CRP No. 1670/2003 & CRP No. 1674/2003 & CRP No. 1675/2003 & CRP No. 1676/2003 & CRP No. 1677/2003 & CRP No. 1678/2003 & CRP No. 1679/2003 & CRP No. 1683/2003 & CRP No. 1684/2003 & CRP No. 1685/2003 & CRP No. 1686/2003 & CRP No. 1687/2003 & CRP No. 1688/2003 & CRP No. 1690/2003 & CRP No. 1691/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

LAND ACQ. OFFICER & ASSTT.COMMNR. & ANR.

Petitioner(s)

VERSUS

SHIVAPPA MALLAPPA JIGALUR & ORS.

Respondent(s)

(With appln(s) for dismissal of SLP, stay/direction and prayer for interim relief and office report)

WITH SLP(C) NO. 12386 of 2006
(With prayer for interim relief and office report)
SLP(C) NO. 1801 of 2007
SLP(C) NO. 18518 of 2005
(With appln. for c/delay in filing SLP)
SLP(C) NO. 18519 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18521 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18522 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18523 of 2005
(With appln. for c/delay in filing SLP and office report)

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SLP(C) NO. 18524 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18525 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18526 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 18528 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 19786 of 2005
(With appln. for c/delay in filing SLP, c/delay in refiling SLP and office report)
SLP(C) NO. 19787 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 19788 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 20021 of 2005
(With appln. for c/delay in filing SLP)

SLP(C) NO. 20022 of 2005
(With appln. for c/delay in filing SLP)
SLP(C) NO. 20023 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 20024 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 20027 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 20029 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 22773 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 23003 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 23075-23078 of 2005
SLP(C) NO. 241 of 2006
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 24236 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 24855 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 24856 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 24857 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 25015 of 2005
(With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 25858 of 2005
(With office report)
S.L.P.(C)...CC NO. 4641 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
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S.L.P.(C)...CC NO. 4646 of 2005
With I.A.1(With appln. for c/delay in filing SLP, c/delay in
refiling SLP and office report)
S.L.P.(C)...CC NO. 5375 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5402 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5505 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5521 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5831 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5835 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5841 of 2005
With I.A.1(With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5853 of 2005
With I.A.1 (With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5899 of 2005
With I.A.1 (With appln. for c/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 5923 of 2005
With I.A.1 (With appln. for c/delay in filing SLP and office report)
SLP(C) NO. 9504 of 2005
(With prayer for interim relief and office report)

Date: 23/03/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Sanjay R. Hegde, Adv.
Mr. A. Rohen Singh, Adv.
Mr. Ramesh Mishra, Adv.

For Respondent(s) Mr. Rajesh Mahale, Adv.

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Ajay Kumar M. Advocate
Mr. Ajit S. Bhasme, Adv.

Ms. Kiran Suri, Adv.
Mr. S. J. Amith, Adv.

Mr. Y. Raja Gopala Rao, Adv.

Mr. Mohan V. Katarki, Adv.
Mr. Javed Mahmud Rao, Adv.

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UPON hearing counsel the Court made the following

O R D E R

SPECIAL LEAVE PETITIONS (C) NOS.24236, 24856, 24857, 24855
& 25858 OF 2005.

Heard Mr. Sanjay R. Hegde, counsel for the petitioners,
the Special Land Acquisition Officer and Mr. Mohan V. Katarki,
counsel for the respondents-land holders.

The petitioner is aggrieved by and seeks to challenge the
direction to pay interest @ 9% for the first year and @ 15% for
the second year onwards on the amount of solatium payable to
the land holders.

Mr. Hegde submitted that in terms of the Constitution
Bench decision of this Court in Gurpreet Singh vs. Union of
India (2006) 8 SCC 457 any interest on solatium would be
payable only for the period after September 19, 2001 when the
Constitution Bench decision in Sunder vs. Union of India (2001)
7 SCC 211 was pronounced by this Court. In support of his
submission, he relied upon paragraph 54 of the decision in
Gurpreet Singh.

In our view, the submission is quite misconceived and it
overlooks the fact that the controversy in regard to the
determination of compensation for the respondents' lands
acquired by the State Government had come up to this Court in
Civil Appeal No.1901/2002 and other analogous appeals at the
instance of the Special Land Acquisition Officer himself.
Those appeals were disposed of by this Court by judgment and

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order dated March 19, 2002. The operative portion of the
judgment is contained in paragraph 14, which is reproduced

below :-

"Taking an overall view of the matter, we fix the value of the land at Rs.5 per sq. ft. instead of Rs.5.50 per sq. ft. which was fixed by the Reference Court and upheld by the High Court. The appeal is partly accepted. The market value is fixed at Rs.5 per sq. ft. In addition, the claimants would be entitled to the statutory benefits of solatium and interest etc. These group of appeals before us shall stand allowed to that extent in view of the modification made in the market value to be adopted."

It was directly in furtherance of the direction of this Court, holding the claimants entitled to the statutory benefits of solatium and interest that the respondents-land holders moved the Execution Court and the Execution Court upheld their claim, as indicated above. Against the order of the Execution Court, the petitioner moved the Karnataka High Court in Civil Revision Petition Nos.1440, 1437, 1439, 1433 and 1436 of 2004 which were rightly dismissed by the High Court.

The direction for payment of interest on the amount of solatium being directly in compliance with the judgment of this Court, there can be no ground for any interference with it.

On hearing counsel for the parties and going through the materials on record, we find no merit in these Special Leave Petitions. These are accordingly dismissed.

Rest of the matters remain as part-heard.

(Neetu Sachdeva)
Sr. P.A.

(R. K. Sharma)
Court Master