# THE HIGH COURT OF TRIPURA

# A G A R T A L A

## CRP No. 73 of 2015

**Petitioner :**

>   **The Union of India,**
>   To be represented by – Asstt. Defence Estates
>   Officer, Lichibagan, P.O.-Salbagan, P.S-New
>   Capital Complex, Agartala-12.

**By Advocates :**

>   Mr. A. Lodh, Adv.
>   Ms. R. Majumder, Adv.
>   Mr. S. Debnath, Adv.

**Respondent :**

>   **Shri Kartick Chandra Debbarma,**
>   S/o. Hari kumar Debbarma, Resident of
>   Damdamia, P.O-Lambuchara, P.S. Lefunga,
>   West Tripura.

**By Advocate :**

>   Ms. P. Deb Paul, Adv.

### B E F O R E
### THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order          :  **30th July, 2015.**

Whether fit for reporting   :

| Yes | No |
|-----|----|
|     |    |

## JUDGMENT  & ORDER (ORAL)

By means of this petition the Union of India has challenged the order dated 08.04.2014 passed by the Executing Court i.e. the Land Acquisition Judge in Exe.(M) No. 81 of 2012 directing the petitioner herein to deposit interest on the solatium  part of the compensation also.

**[2]**          According to the respondent herein, he is entitled to interest on the amount of solatium as per the law laid down in ***Sundar Vrs. Union of***

*India, (2001) 7 SCC 211* whereas the case of the Union of India is that no specific interest has been awarded on the amount of solatium and therefore, the interest on the solatium shall be payable only w.e.f 19.9.2001 when *Sundar's* case was decided.

**[3]**    This Court has earlier decided this issue and this Court has interpreted the judgment in *Gurpreet Singh Vrs. Union of India, (2006) 8 SCC 457* in the following terms :

> *"[7]    The gist of the judgment of the Apex Court is as follows :*
>
> > *(1)    Since the Executing Court cannot go behind the decree if the land reference Judge has rightly or wrongly specifically rejected the prayer for grant of interest on solatium then the Executing Court cannot grant such interest.*
> >
> > *(2)    If the Land Acquisition Judge has specifically granted interest on solatium then it is payable from the date of notification issued under Section 4 of the L. A. Act, 1894.*
> >
> > *(3)    The Apex Court further held that there were a large number of cases where there is no specific reference to interest payable on solatium. There may also be cases where claim for interest on solatium had not been made and, therefore, there was no question of accepting or rejecting such a claim. In these cases the Apex Court held that the executing Court was free to follow the judgment of Sunder(supra) and grant interest on solatium but with the caveat that in such cases the interest would be awarded only from 19.09.2001 i.e. the date when Sunder's case was decided.*
> >
> > *(4)    The Apex Court also made it clear that the executing Court could award interest on solatium only in pending executions and where the execution proceedings had been disposed of, the matter could not be re-opened."*

**[4]**    In the present case the judgment of the High Court in First Appeal No.26 of 1993 (Re. F.A No.197 of 1998) and other connected matters

have to be interpreted and the relevant portion of the judgment reads as follows:

> **"6. *****. In all the cases, the claimants would get compensation at the rate of Rs.12,000/- per kani of the land acquired. In addition, 30% solatium and interest at the rate of 9% per annum for the first year and 15% per annum thereafter and till the realization of the entire amount, the claimants are also entitled to be paid.*****"**

**[5]** A perusal of the aforesaid portion of judgment of the High Court makes it amply clear that the respondent herein was entitled to market value of the land and also solatium @ 30% on the market value of the land. The High Court also held that in addition to the market value and solatium the respondent was entitled to interest on the "entire amount".

**[6]** In my view, the words "entire amount" would include both the market value as well as the solatium and therefore, the High Court has awarded interest on solatium. As such I find no error in the award of the learned executing Court and the petition is, accordingly, rejected.

**[7]** Petition is disposed of in the aforesaid terms. No costs.


**CHIEF JUSTICE**