

CMA No.13 of 2014  
In L.A Case No.27 of 2013

**P R E S E N T**

Mrs.Helen Dawngliani  
Addl.District & Sessions Judge

1. B.Vanlalzika(L)  
Represented by his legal representative  
B.Lalthlamuana  
R/o Ramhlun South, Aizawl
  2. Sangthangpuia  
S/o Hrangngiara(L)  
R/o Ramhlun South, Aizawl
- ... Applicants

## Versus

1. The State of Mizoram represented by the  
Secretary to the Government of Mizoram  
Land Revenue & Settlement Department  
Aizawl.
  2. The Secretary to the Government of Mizoram  
Public Works Department  
Aizawl, Mizoram
  3. The Deputy Commissioner/District Collector  
Aizawl District : Aizawl
- ... Respondents

Date of Hearing ..... 03.04.2014

Date of Judgment & Award ..... 09.04.2014

## APPEARANCE

1. For the Applicants ..... Mr. Michael Zothankhuma, Sr. Advocate  
Mr. R. Laltanpuia, Advocate
2. For Respondent No.1 & 2 ..... Mrs. Rose Mary, Addl.GA
3. For Respondent No.3 ..... Mr. R. Lalremruata, Advocate.

## ORDER

1. This application is filed under section 151 CPC for release of solatium and interest amounting to Rs. 2,13,844 to the applicants.
2. The brief facts of the case:-

The applicants are owners of land within the area acquired for construction of linking AR ground with Chawnpui vide Award No.11 of 2012 dt.5.4.2013. Aggrieved by the said Award, the applicants have filed an application u/s18 LA Act for enhancement of market value and for payment of Solatium and interest u/s 23(1-A) and 23(2) LA Act. The Respondent No.3 referred the said application for adjudication and the same is registered as LA Case No. 27 of 2013, pending disposal before this Court. In the meantime, the applicants have filed the present application.

### 3. Heard the Ld. Counsels.

Mr. Michael Zothankhuma, Ld. Senior Counsel assisted by Mr. R. Laltanpuia, Advocate submitted that initially the applicants approached the honb'le Gauhati High Court by filing a writ petition which was registered as WP(C) No.6 of 2011 as no compensation was given to them despite acquisition of their lands. The said writ petition was disposed off by the honb'le High Court vide its Judgment & Order dt.9.11.2011 wherein the respondents were directed to *regularize the taking over of the lands of the petitioners by taking appropriate steps under the Land Acquisition Act, 1894 and thereafter pass the necessary awards*. It was further ordered that the entire exercise should be completed within 4 months from the date of receipt of the certified copy of the Order. As the respondents failed to comply with the direction of the Honble High Court, the applicants filed Contempt application which was registered as Contempt Case No.9 of 2012. In the meantime, the Respondent No.3 pronounced Award no.1 of 2012 on 5.4.2013 calculating the amount of compensation payable to the applicants as Rs.5,44,985 without solatium and interest. Thereafter during the course of hearing of the Contempt Case no.9 of 2012, the respondent produced 'Enhancement of Compensation' of Award No. 11 of 2012 issued by Respondent No.3 an amount of Rs.2,13,844 was calculated as solatium and interest @ 12%pa u/s 23(1-A) and 23(2) LA Act. The Respondent No.3 also calculated Rs.54,000/- as Lawyer's fee thereby arriving at a total compensation of Rs.8,12,829. It is further submitted by the Ld. Senior Counsel that the Executive Engineer, PWD, Aizawl Road North Division vide his letter dt.30.5.2013 to the Respondent No.3 submitted a cheque amounting to Rs.8,12,829 payable to the applicants. Accordingly, on 19.6.2013 the applicants received Rs.5,44,985/- from the office of the Respondent No.3 but an amount of Rs.2,13,844/- as solatium and interest were denied to them on the ground that there was no Court Order directing payment. The Ld. Counsel argued that if the said amount of Rs.2,13,844/- is released to the applicants it would not create any impediment in the adjudication of the reference application.

Mrs. Rose Mary, the Ld. Addl.GA submitted that as it appears from the record that the respondent No. 1 & 2 had already deposited the entire awarded amount to the District Collector they have nothing more to say.

Mr. R.Lalremruata, Ld. Counsel for the respondent No.3 admitted that the solatium and interest payable to the applicants amounting to Rs.2,13,844/- has been deposited with the said respondents. Considering the nature of relief sought in this application, the Ld. Counsel submitted that they have no objection if the said amount is released to the applicants during pendency of the reference application.

Heard the Ld. Counsels and perused the materials on record. The averments made by the applicant have not been rebutted by the respondents. In the given circumstance, in the absence of any objection from the respondents more particularly respondent No.3, this court is bound to accept the materials/documents submitted alongwith the application. Upon perusal of the said documents and on hearing the Ld. Senior Counsel, I am satisfied that a sum of Rs.8,12,829/- have been actually deposited by Respondent No.2 to Respondent No.3 towards compliance of Award No.11 of 2012. The said amount is inclusive of solatium and interest. Out of the said amount Rs.5,44,985/0- have been released to the applicants on 19.6.2013. Since the amount of Rs. 8,12,829/- was inclusive of Lawyers Fee of the District Collector amounting to Rs.54000/- the amount payable to the applicants as solatium and interest u/s 23(1-A) and 23(2) LA Act comes to Rs. 2,13,844.

Accordingly, in the given facts and circumstances of the Case, as the compensation is already received by the applicants, I do not find any impediment if an amount of Rs.2,13,844/- as solatium and interest u/s 23(1A) & 23(2) LA Act is released to the applicants on proper identification, during pendency of the reference application i.e LA Case No. 27 of 2013.

With the above Order, the application stands disposed off.

**Sd/- HELEN DAWNGLIANI**  
Addl. District & Sessions Judge  
Aizawl Judicial District: Aizawl

**Memo No:...../AD&SJ(A)/2014 : Dated Aizawl, the 9<sup>th</sup> April, 2014**  
**Copy to: -**

1. B.Vanlalzika(L) represented by his  
legal representative B.Lalthlamuana  
R/o Ramhlun South, Aizawl.
2. Sangthangpuia S/o Hrangngiara(L)  
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3. The State of Mizoram represented by the  
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Land Revenue & Settlement Department, Aizawl.
4. The Secretary to the Government of Mizoram,  
Public Works Department, Aizawl, Mizoram.
5. The Deputy Commissioner/District Collector, Aizawl District, Aizawl through  
Counsel Mr. R. Lalremruata, Advocate.
6. Registration Section.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

through Counsel  
Mr. Michael Zothankhuma,  
Sr. Advocate

through Counsel  
Mrs. Rose Mary,  
Addl. GA

**P E S H K A R**