

A

UNION OF INDIA
v.
B.V. SAROJA AND ANR.

JANUARY 13, 1995

B

[K. RAMASWAMY AND DR. A.S. ANAND, JJ.]

Land Acquisition Act, 1894—Amendment Act 68/84—Section 23(1-A)
—No entitlement to payment of additional amount.

C

Practice and Procedure—Review allowed in view of the Constitution Bench judgment.

After publication of the award in 1976, upon notification u/s. 4(1) of the Land Acquisition Act the respondents sought payment of additional amount under Section 23(1-A) of the Amendment Act 68/84.

D

Allowing the appeal, this Court

HELD : The respondents are not entitled to the payment of the additional amount as contemplated under Section 23(1-A) of Land Acquisition Act as amended by Amendment Act 68/84 in view of the Constitution Bench judgment. [251-C]

E

K.S. Paripooran v. State of Kerala, [1994] 5 SCC 593, applied.

F

CIVIL APPELLATE JURISDICTION : Review Petition No. 41 of 1993.

IN

Civil Appeal No. 887 of 1995.

G

From the Judgment and Order dated 15.9.89 of the Karnataka High Court in M.F.A. No. 2814 of 1985.

A.S. Nambiar, Ms. B. Sunita Rao, Ms. Sushma Suri and Ms. Anil Katiyar for the Petitioner/Appellant.

H

P. Mahale for the Respondents.

The following Order of the Court was delivered :

A

The notification under Section 4(1) of the Land Acquisition Act was published on March 30, 1972. The award was made by the Land Acquisition Collector on September 15, 1976 and the possession was taken on October 15, 1976. The point raised now is covered by the judgment of the Constitution Bench in *K.S. Paripooman v. State of Kerala*, reported in [1994] 5 SCC 593. In view of these facts, the respondents are not entitled to the payment of the additional amount as contemplated under section 23(1-A) of the Land Acquisition Act as amended by Amendment Act 68/84. As a consequence, the claimants are not entitled to the above benefit. The Review Petition is ordered.

B

C

Leave granted in S.L.P. The appeal is allowed only to the above extent. The award of the Courts below are accordingly modified. No costs.

A.G.

Appeal allowed.