

(1995) 01 SC CK 0120

In the Supreme Court Of India

Case No : Civil Appeal No. 1697 of 1995 (Arising out of SLP (C) No. 17164 of 1993)

G. Krishna Murthy and others

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 19-01-1995

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 28A, 4, 54

Citation : AIR 1995 SC 1436 : (1995) 2 JT 683 : (1995) 1 SCALE 684 : (1995) 2 SCC 733

Hon'ble Judges : N. Venkatachala, J;K. Ramaswamy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. The notification u/s 4(1) of the Land Acquisition Act was published on August 11, 1971 acquiring about 700 acres of land in Golabandha Buxi Palli, Vikrampur in Ganjam District of Orissa State. By his award dt. June 22, 1974, the Land Acquisition Officer determined the market value. On reference u/s 18, the learned Subordinate Judge confirmed the award of the Collector by his award and decree dt. January 31, 1985. The appellants did not carry the matter in appeal. When others filed the appeal u/s 54 of the Land Acquisition Act before the High Court, the High Court enhanced the compensation to the fruit bearing trees at Rs. 990/- and Rs. 650/- for not fruit bearing trees by its judgment dt. April 21, 1992. Thereafter the appellants filed the application u/s 28-A of the Land Acquisition Act on November 21, 1992 for redetermination. The Land Acquisition Officer dismissed the application and thereof, the High Court by its order dt. April 30, 1993 confirmed the same in O.J.C. No. 24/93. Thus this appeal by special leave.

3. It is contended that when the High Court awarded higher compensation by operation of Section 28-A of the Land Acquisition Act, the appellants also are

entitled to the same benefit. The point is now squarely covered by two judgments of this Court in Scheduled Castes Co-operative Land Owning Society Ltd., Bhatinda v. union of India and Ors. reported in AIR 1991 SC 738 and Babua Ram and Others Vs. State of U.P. and Another, . Therefore, the application u/s 28-A is not maintainable. The Collector and the High Court rightly refused to grant the amount on par with the judgment of this Court.

4. The appeal is accordingly dismissed. No costs.