
(1998) 03 KL CK 0009
In the High Court Of Kerala
Case No : O.P. No. 20330 of 1997

K.P. Nani

APPELLANT

Vs

District Collector and Others

RESPONDENT

Date of Decision : 19-03-1998

Acts Referred:

Land Acquisition Act, 1894 — Section 28A

Citation : (1998) 1 KLJ 727

Hon'ble Judges : K.A. Abdul Gafoor, J

Bench : Single Bench

Advocate : T.G. Rajendran and Ravi Krishnan, for the Appellant; L.G. Suresh Babu), for the Respondent

Judgement

K.A. Abdul Gafoor, J.—The petitioner has approached this court seeking a direction to pass orders on Ext.P2 in the light of Ext.P1 judgment. Ext.P2 is an application filed under Sec.28A of the Land Acquisition Act, 1894 seeking redetermination of the compensation payable to the petitioner on the basis of Ext.P1 judgment in L.A.R. 375/93. It is submitted by the Government Pleader that Ext.P1 is under an appeal before this court as L.A.A. No. 187/98. Government Pleader also relied on a decision of the Supreme Court reported in Babuaram and others v. State of U.P. and another, ((1985) 2 SCC 689) wherein it is held that

During the pendency of appeal against the award and decree of the civil court the Collector/LAO should stay his hands in the matter of redetermination of compensation till the appeal is finally disposed of and he should redetermine the compensation only on the basis of the final judgment and decree of the appellate forum. As soon as the award of the civil court is carried in appeal, it becomes obligatory for the Collector to keep the application/applications for redetermination of compensation filed within limitation pending, awaiting decisions by the appellate forum and to redetermine the compensation on the basis of the final judgment and decree.

Following this judgment, Ext.P2 cannot be directed to be disposed of immediately. Its disposal shall await the disposal of L.A.A.187/98. In such circumstances, the Original Petition is disposed of directing the 2nd respondent to take up Ext.P2 immediately after disposal of the said appeal. No costs.