
(1991) 09 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2157 of 1991

Moman Ram

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 26-09-1991

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115
Land Acquisition Act, 1894 — Section 28A

Citation : (1992) 101 PLR 41

Hon'ble Judges : N.C. Jain, J

Bench : Single Bench

Advocate : Arun Jain, for the Appellant; Jagdev Sharma, Addl. A.G., for the Respondent

Final Decision : Dismissed

Judgement

N.C. Jain, J.—This judgment of mine will dispose of Civil Revision Petition Nos. 2157, 2158 and 2159 of 1991, as the question of law involved is the similar in the cases.

2. The petitioners filed applications u/s 28A of the Land Acquisition Act (amended) 1984 for availing the benefits of the award given by this court in Regular First Appeal No. 700 of 1981, wherein the compensation was granted at the rate of Rs. 31,000/- per. acre. The applications have been declined by the Land Acquisition Collector on the ground that the land in the present cases were acquired vide Government Gazette Notification No. 10578/1-L/SYL dated 21st July, 1976 whereas the award given by this Court in R. F. A. No. 700 of 1981 pertains to the Notification No. 8097/1-L/SYL, dated 23rd June, 1976. The view taken by the Land Acquisition Collector on the basis of interpretation of section 28-A is unexceptional. Section 28-A envisages redetermination of the amount of compensation on the basis of an award if the notification is the same. Section 28-A of the Act empowers the Land Acquisition Collector to grant the same compensation to those applicants who did not approach the Land Acquisition

Court u/s 18 of the Act, provided the Land Acquisition Court has dealt with the same notification and the applicants applying u/s 28-A, stand covered by the very notification, regarding which the award has already been delivered. In other words, only such applicants can have redetermination of the amount of compensation of their acquired land on the basis of the award of a Court if the notification is the same and not otherwise. This seems to be the only interpretation of Section 28-A of the Act. Since this Court was dealing with altogether a different notification and the land of the petitioners was acquired by different notification, by benefit can be availed of by the petitioners of the award given by this Court.

3. For the reasons recorded above, the petitions are found to be meritless and are ordered to be dismissed with no order as to costs.