
(1989) 11 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : C.M. No. 1269 C.I. of 1989 in R.F.A. No. 476 of 1982

Smt. Sumitra Devi

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 24-11-1989

Acts Referred:

Land Acquisition Act, 1894 — Section 30(2)

Citation : (1990) 97 PLR 248

Hon'ble Judges : G.R. Majithia, J

Bench : Single Bench

Advocate : R.S. Mittal and P.S. Bajwa, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

G.R. Majithia, J.—This is an application for grant of benefit of enhanced solatium as provided u/s 30(2) of the Land Acquisition (Amendment) Act, 1984 (for short othe Act").

2. The State of Haryana issued notification dated, 7th July, 1973 for acquiring 2206 acres of agricultural land situated in the Revenue estate of Garni Brahman and Patt Jatan, Sonapat for the construction of Mini Secretariat and residential quarters for the Government employees at Sonapat. The notification was followed by a declaration u/s 6 of the Land Acquisition Act made vide notification dated. December 24, 1973. The Deputy Commissioner, who was acting as a Land Acquisition Collector, Sonapat, assessed the compensation vide his award No. 3, dated September 5, 1974. The claimant-landowners were not satisfied with the compensation awarded by the Collector and got references made to the Land Acquisition Court. The Land Acquisition Court announced the compensation vide order dated October 24, 1981. The claimants-landowners were still dissatisfied and they came to this Court in Regular First Appeal, which was disposed of on October 15, 1982. There was dispute with regard to the interpretation of Section 30(2) of the Act The same was settled by the Supreme Court in Union of India

and Anr. v. Raghubir (dead) by Lrs. which is reported as Judgments Today 1989 (2) S.C. 427 and it was held thus :

"The expanded meaning given to Section 30(2) in the latter case does not, in our opinion, flow reasonably from the language of that sub-section. It seems to us that the learned Judges in that case missed the significance of the word "such" in the collocation "any such award" in Section 0(2) Due significance must be attached to that word, and to our mind, it must necessarily intend that the appeal to the High Court or the Supreme Court in which the benefit of the enhanced solatium is to be given, must be confined to an appeal against an award of the Collector or of the Court rendered between 30th April, 1982 and 24th September, 1984."

3. It was settled that the benefit of Section 302 of the Act is applicable to orders made by the High Court or the Supreme Court in appeals against the awards made between 30th April, 1982 and 24th September, 1984. In the instant case, the Collector rendered the award on .5th March, 1974 and the supplementary award on November 26, 1974. The Land Acquisition Court rendered the judgment on 24th October, 1981. The award was not made between 30th April, 1982 and 24th September, 1984. Resultantly, the applicant is not entitled to the benefit of the provision of Section 30(2) of the Act.

4. The application is rejected.