

(1995) 11 SC CK 0140
In the Supreme Court Of India
Case No : Civil Appeal No. 11425 of 1995

State of Maharashtra

APPELLANT

Vs

Manakchand Pyarmal and Others

RESPONDENT

Date of Decision : 22-11-1995

Acts Referred:

Land Acquisition Act, 1894 — Section 28A(1)

Citation : (1995) 9 JT 296 : (1995) 6 SCALE 726 : (1996) 1 SCC 297 : (1995) 5 SCR 579 Supp

Hon'ble Judges : K. Ramaswamy, J;B. L. Hansaria, J

Bench : Division Bench

Advocate : S.M. Jadhav and D.M. Nargolkar, for the Appellant; U.N. Bachawat, R.B. Nargolkar and K.L. Taneja, for the Respondent

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. We have heard learned Counsel on both sides. Notification u/s 4(1) of the Land Acquisition Act was published on February 4, 1970 acquiring a large extent of land. The Collector made the award and paid compensation which was accepted by the respondents without protest. It would appear that one of the claimants covered under the same notification sought reference u/s 18 and the District Judge, Raigarh at Alibag in Reference No. 1.83/86 enhanced the compensation to Rs. 10 per square meter by his award and decree dated November 6, 1987. Against the said award and decree, the State carried First Appeal No. 1038/88 which was admitted on February 16, 1989 and ad interim stay of the award and decree of the District Court was granted subject to certain conditions.

3. The respondents thereon filed an application u/s 28A(1) on February 2, 1988 for redetermination of the amount of compensation to their lands on the basis of the said award of the District Judge. It would appear from the record that the

Collector made a draft award and referred the matter to the State Government for approval. At that stage the respondents filed a writ petition in the High Court. A Division Bench of the High Court by the impugned order dated August 24, 1922 directed the Land Acquisition Officer to declare the award by the end of November 1992. Thus this appeal by special leave.

4. In view of the fact that the award of the Reference Court, referred to hereinbefore, is already the subject matter of the appeal pending decision in the High Court, appropriate course would be to keep the reference application made u/s 28A(1) pending till disposal of the appeal in the High Court. The Collector shall take action only on the basis of the judgment that may be rendered by the High Court. Until then, the matter be kept pending. The writ petition stands dismissed subject to the above direction.

5. The appeal is accordingly disposed of. No costs.