

STATE OF KERALA

A

v.

GEORGE JOSEPH

FEBRUARY 12, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

*Land Acquisition Act, 1894 :*

*Section 4(1) and 23(1A)—Award dated March 27, 1981—Notification under s.4(1) earlier in point of time—Hence party not entitled to payment of additional amount under Section 23(1A).*

C

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3649-50 of 1996.

From the Judgment and Order dated 21.7.94 of the Kerala High Court in L.A.A. No. 112 and 119 of 1985.

D

M.T. George for the Appellant.

The following Order of the Court was delivered :

Though notice was issued to the respondent, no unserved acknowledgment has been received so far. Therefore, notice must be deemed to have been served on the respondent.

E

Leave granted.

The point in the case is no longer *res integra*. The award of the Collector is dated March 27, 1981 and the notification under Section 4(1) of the Land Acquisition Act, 1894 is of September 26, 1978. Therefore, the respondent is not entitled to the payment of the additional amount under Section 23(1A) of that Act.

F

The appeals are accordingly allowed. The award to the above extent is set aside. No costs.

G

G.N.

Appeals allowed.

H