

A

SPECIAL LAND ACQUISITION OFFICER

v.

N.S. TAKKALAKI AND ORS.

AUGUST 16, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Land Acquisition Act, 1894 (as amended by Amendment Act 68 of 1984):

C

Ss.4(1), 23(1-A)—Acquisition of land—Compensation—Notification under s.4(1) published on 23.1.1980—Award by Land Acquisition Officer made on 28.3.1980—Held : Claimants not entitled to benefits under s.23(1-A).

D

The State Government filed the appeal by special leave against the judgment of the High Court in a case arising out of the award dated 28.3.1980 passed by the Land Acquisition Officer in respect of the lands acquired under the notification dated 23.1.80 published under s.4(1) of the Land Acquisition Act, 1894.

E

Allowing the appeal, and modifying the order of the High Court and the award of the reference Court, this Court.

F

HELD : The respondent-claimants are not entitled to the additional amount @ 12 per cent annum of the enhanced compensation under s.23(1-A) of the Land Acquisition Act, 1894 as amended Amendment Act 68 of 1984. [781-A]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7588 of 1995.

G

From the Judgment and Order dated 16.4.86 of the Karnataka High Court in M.F.A. No. 1805 of 1985.

M. Veerappa for the Appellant.

The following Order of the Court was delivered :

H

Leave granted.

Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was published on January 23, and the Land Acquisition Officer gave his award on March 28, 1980. Consequently, the respondents are not entitled to the additional amount @ 12 per cent per annum of the enhanced compensation under Section 23(1-A) of the Act as amended by Amendment Act 68 of 1984. A

The appeal is accordingly allowed and the grant of additional amount under Section 23(1-A) is set aside. In other respects, the award of the Reference Court, as confirmed by the High Court, stands confirmed. No costs. B

R.P.

Appeal allowed.