

A STATE OF KARNATAKA
v.
MALLINATH AND ORS.

OCTOBER 30, 1995

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

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

C S.23(1A)—Additional benefits—Held, not applicable in respect of award made prior to Amendment Act 68 of 1984.

On the question of applicability of S.23(1-A) of the Land Acquisition Act, 1894, partly allowing the appeal filed by the State, this Court

D HELD : Since the award of the Collector was made much prior to the Amendment Act, 68 of 1984, the claimants are not entitled to the payment of additional amount under S.23(1A) of the Land Acquisition, 1894. [557-B]

E CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 9900-9904 of 1995.

From the Judgment and Order dated 11.7.86 of the Karnataka High Court in M.F.A. Nos. 810, 1173, 1174, 1223 & 1224 of 1986.

F M. Veerappa and K.H. Nobin Singh for the Appellant.

The following Order of the Court was delivered :

G It is stated in the affidavit filed by Matru Lal Kashyap, clerk of Shri Veerappa, the learned counsel for the petitioner, that on instructions from the Assistant Commissioner, Bijapur, Somavva Patil, the second respondent herein had left behind her son Mallinath who is respondent No. 1 in SLP (C) No. 14220/86 as her legal representative and that since Mallinath is already on record, there is no need to bring him on record separately as legal representative. He is transposed as legal representative. Since he is already representing the estate of his deceased mother Somavva Patil, it is accordingly recorded.

H

Leave granted.

A

The controversy hinges upon the applicability of section 23(1-A) of the Land Acquisition Act (for short, 'the Act') as amended by Act 68 of 1984. Since the award of the Collector was made much prior to the Amendment Act, the claimants are not entitled to the payment of additional amount under Section 23(1A) of the Act.

B

The appeals are allowed to the above extent and the orders of the High Court and the appellate Court are set aside to that extent. In other respects, the award stands confirmed. No costs.

R.P.

Appeal allowed.