

A STATE OF MAHARASHTRA

v.

MARUTI LAXMAN

APRIL 15, 1996

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

*Land Acquisition Act, 1894 :*

C *Sections 23(2), 28 and 23(1-A)—Award of enhanced benefits under the provisions of the Amendment Act 68 of 1984—Held, award made long before the date of Introduction of the Amendment Act 68 of 1984—Hence claimants not entitled to the enhanced benefits—Since claimants did not file appeal for further enhancement, High Court had no jurisdiction to award the same.*

D CIVIL APPELLATE JURISDICTION : Civil appeal No. 7490 of 1996.

From the Judgment and Order dated 16.7.86 of the Bombay High Court in F.A. No. 647 of 1977.

D.M. Nargolkar for the Appellants.

E The following Order of the Court was delivered :

Though notice was served on the respondent, on one appears on behalf of him.

F Leave granted. We have heard learned counsel for the appellant.

G Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') was published on July 31, 1969. The Land Acquisition officer made his award on October 12, 1972 awarding compensation @ Rs. 1,000 per acre. On reference, the civil Court enhanced the compensation to Rs. 2,000 per acre by award and decree dated February 18, 1977. The High Court while dismissing the State appeal on July 16, 1986 has awarded the enhanced benefits under the Amendment Act 68 of 1984. Thus this appeal by special leave.

H This appeal is only in respect of awarding of enhanced benefits under Sections 23(2), 28 and 23 (1-A) of the Act. In view of the settled legal

position that the award of the civil Court was made long before the date of the introduction of the Amendment Act 68 of 1984, the claimant is not entitled to the enhanced benefits. That apart, it is also settled legal position that the High Court, while dismissing the appellant's appeal, had no jurisdiction to award the additional benefits since the claimants did not file any appeal for further enhancement. Therefore, in the absence of any additional compensation being awarded, the High Court has no jurisdiction to award the benefits under the provisions of the Amendment Act 68 of 1984. A B

The appeal is accordingly allowed. The order of the High Court awarding solatium, interest and additional amount under Section 23(2), 28 and 23 (1-A) stands set aside. No costs. C

G.N.

Appeal allowed.