

IMPROVEMENT TRUST, SANGRUR
v.
GURJIT SINGH SANDHU AND ORS.

JANUARY 15, 1996

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

Land Acquisition Act, 1894 :

S. 23(1A)—Additional amount—Entitlement—Notification and award prior to amending Act 68 of 1984—Hence claimants not entitled to additional amount.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2618 of 1996.

From the Judgment and Order dated 6.7.93 of the Punjab & Haryana High Court in L.P.A. No. 9 of 1991.

S.C. Patel for the Appellant.

K.R. Rajesekaran Pillai for the Respondents.

The following Order of the Court was delivered :

Leave granted.

Heard learned counsel for the parties.

Mr. K.R.R. Pillai, learned counsel, is appearing on behalf of respondent Nos. 5, 6 and 14 to 18. Notice had been sent on 29.3.1994 to respondent Nos. 1, 3, 4 and 7 to 13, but till date they have not appeared either in person or through their counsel. Acknowledgements have not been received. Therefore, they must be deemed to have been served. 2nd respondent was served on 31.3.1994. He is not appearing either in person or through his counsel.

The controversy is whether the respondents are entitled to the additional amount under Section 23(1A) of the Land Acquisition Act, 1894 as amended by Act 68 of 1984. The Collector's award is dated September 10, 1979 while the notification under Section 4(1) was published on January 28, 1978. Under these circumstances, the respondents are not entitled to the additional amount under Section 23(1A) of the Act.

The appeal is accordingly allowed to the above extent. No costs

Appeal allowed,