

PETITIONER:
THE SPECIAL LAND ACQUISITION

Vs.

RESPONDENT:
SIDDAPPA UJANAPPA MADAR

DATE OF JUDGMENT 02/11/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
JT 1995 (8) 562 1995 SCALE (6) 578

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The Registry's report dated August 14, 1995 indicates that S.S. Typai, the sole respondent in SLP (C) No. 9906 of 1987 (present SLP), was dead as per the postal endorsement. We, therefore, directed the learned counsel for the petitioner-State to take steps to bring on record the legal representatives of the sole-respondent. The Special Land Acquisition Officer, National Highways, Dharwad, in his letter dated 17th October, 1995 had stated that said S.S. Tyapi is still alive and he is presently running a tea shop near bus depot at Gangavati. Under these circumstances, the postal endorsement obviously is incorrect. Therefore, there is no need to bring the legal representatives of the respondent on record.

Leave granted.

The controversy in case is no longer res integra. The applicability of the provisions of Sections 23 (1-A), 23(2) and 28 of the Land Acquisition Act, 1894, as amended by the Land Acquisition (Amendment) Act (Act 68 of 1984), is in question in this matter. These points have already been covered by two Constitution Bench decisions of this Court in Union of India vs. Raghubir Singh, [(1989) 3 SCR 316] and K.S. Paripoornan vs. State of Kerala, [(1994) 5 SCC 593]. In view of these Constitution Bench judgments the appeal is to be allowed. Consequently, the benefits granted pursuant to the Amendment Act stand set aside. The respondents are entitled to interest @ 6% per annum and also solatium @ 15% on the enhanced compensation.

The appeal is accordingly allowed but, in the circumstances, without costs.