

PETITIONER:
YELAMANCHI RANGA RAO & ORS. ETC.

Vs.

RESPONDENT:
STATE OF ORISSA & ORS.

DATE OF JUDGMENT: 05/05/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

WITH
CIVIL APPEAL NO. 3615 OF 1997
(Arising out of SLP (C) No. 1670 of 1994)
O R D E R

Leave granted. We have heard learned counsel on both sides.

The facts the in appeal arising out of SLP (C) No. 1670/94 are that notification under Section 4(1) of the Land Acquisition Act, 1894 was published on August 11, 1971 acquiring 700 acres of land. The reference Court, by its award and decree dated 31, 1985, enhanced the compensation to Rs.450/- in MJC No.32/79 and 29/79, for each fruit (coconut) bearing tree. The appellants filed their application under Section 28-A on April 30, 1985 within three months from the date of the award of the reference Court. It was not decided. Again, enhancement was made by the High Court by judgment dated January 5, 1995 enhancing the compensation to Rs. 650/- per fruit bearing tree in F.A. No. 166/84. The appellants again made an application on May 23, 1990 before the Land Acquisition Officer for re-determination, which was rejected. The High Court has dismissed the writ petitions on April 30, 1993. Thus, these appeals by special leave.

In view of the fact that the appellants had filed the written reference applications within three months from the date of the award enhanced compensation by the reference Court in the connected matters, which are admittedly covered under the same notification issued under Section 4(1), the appellants are entitled to seek a reference under Section 28-A but was not done. The application for reference under Section 28-A after the judgment of the High Court is not maintainable.

The appeals are accordingly allowed. The Land Acquisition Officer is directed to redetermine the compensation for the properties of the appellants acquired under the said notification in accordance with the award passed by the High Court as per the reference application dated April 30, 1985 and pass appropriate award as per law which would be subject to result of the appeal, if any, filed by the State in these connected appeals. No costs.

JUDIS