

PETITIONER:
RAFIQ MOHD.

Vs.

RESPONDENT:
STATE GOVERNMENT OF M.P. & ORS.

DATE OF JUDGMENT: 29/03/1996

BENCH:
HANSARIA B.L. (J)
BENCH:
HANSARIA B.L. (J)
RAY, G.N. (J)

CITATION:
JT 1996 (5) 457 1996 SCALE (3)300

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

HANSARIA, J.

Leave granted. Heard learned counsel for the parties. Perused written submissions filed on behalf of the respondents.

2. The appellant claims the benefits of Land Acquisition (Amendment) Act 1984. As to when such benefits are available has been spelt out by two Constitution Bench decisions: (1) Union of India v. Raghubir Singh, 1989 (2) SCC 754; and (2) K.S. Paripoornan v. State of Kerala, 1994 (5) SCC 593. As the award by the Collector in the present case was passed on 20.11.63, the appellant is not entitled to any additional sum visualized by section 23 (1-A) in view of the decision in Paripoornan's case. But the decree of the Reference Court being of 22.9.83, benefits of amended sections 23(2) and 28 would be available because of the decision in Raghubir Singh's case.

3. The appeal is allowed accordingly. The additional amount which has become payable because of this judgment shall be paid to the appellant within a period of three months from today.

4. No order as to costs.