

PETITIONER:
G. KRISHNA MURTHY & ORS.

Vs.

RESPONDENT:
STATE OF ORISSA

DATE OF JUDGMENT 19/01/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
VENKATACHALA N. (J)

CITATION:
1995 AIR 1436 1995 SCC (2) 733
JT 1995 (2) 683 1995 SCALE (1) 684

ACT:

HEADNOTE:

JUDGMENT:
ORDER

1. Leave granted.
2. The notification under section 4(1) of the Land Acquisition Act was published on August 11, 1971 acquiring about 700 acres of land in Golabandha Buxi Palli, Vikrampur in Ganjam District of Orissa State. By his award dt. June 22, 1974, the Land Acquisition Officer determined the market value. On reference under section 18, the learned Subordinate Judge confirmed the award of the Collector by his award and decree dt. January 31, 1985. The appellants did not carry the matter in appeal. When others filed the appeal under section 54 of the Land Acquisition Act before the High Court, the High Court enhanced the compensation to the fruit bearing trees at Rs. 990/- and Rs. 650/- for not fruit bearing trees by its judgment dt. April 21, 1992. Thereafter the appellants filed the application under section 28-A of the Land Acquisition Act on November 21, 1992 for redetermination. The Land Acquisition Officer dismissed the application and thereof, the High Court by its order dt. April 30, 1993 confined the same in O.J.C. No. 24/93. Thus this appeal by special leave.
3. It is contended that when the High Court awarded higher compensation by operation of section 28-A of the Land Acquisition Act, the appellants also are entitled to the same benefit. The point is now squarely covered by two judgments of this Court in Scheduled Castes Co-operative Land Owning Sociely Ltd., Bhatinda v. Union of India & Ors. reported in AIR 1991 SC 738 and Babua Ram & Ors. v. State of UP. & Anr. reported in JT 1994 (7) SC 377. Therefore, the application under sec. 28-A is not maintainable. The Collector and the High Court rightly refused to grant the amount on par with the judgment of this Court.
4. The appeal is accordingly dismissed. No costs.

JUDIS