

The Land Acquisition Collector by his award dated 5.9.1973 awarded compensation to the respondents for 'A' Category of land at the rate of Rs. 20,000/- per acre and for 'B' Category at the rate of Rs. 12,000/- per acre. Aggrieved by this award, the respondents preferred a reference under Section 18 of the Land Acquisition Act before the Additional District Judge, Hissar. By his order dated 23.1.1979, the Additional District Judge enhanced the

award amount as set out therein. In an appeal from this order, the High court by its order dated 9.12.1988 further enhanced the compensation amount and also granted the benefit of Sections 23(1A), 23(2) and 28 of the amended Land Acquisition Act to the respondents.

The only point urged before us by the appellant is in respect of the benefit granted under Sections 23(1A), 23(2) and 28 of the Land Acquisition Act to the respondents.

In this case both the award of the Collector as well as the award by the court under a reference under Section 18 of the Land Acquisition Act have been made prior to 30th of April, 1982. Hence the benefit of Section 23(1A) cannot be extended to the respondents. (See: K.S.Paripoornan v. State of Kerala & Ors. (1994 (5) SCC 593).

The benefit of Sections 23(2) as well as 28 also is not available to the respondents in the present case because neither the award of the Collector nor the award by the Court is after 30.4.1982 and before 24.9.1984. Unless the appeal before the High Court or before us is in respect of the award made by the Collector or the Court between 30.4.1982 and 24.9.1984 the benefit of the amended Sections 23(2) and 28 cannot be granted in such appeals. (See: Union of India & Anr. v. Raghubir Singh (dead) by Lrs. etc. (1989 (3) SCR 316).

The appeals are accordingly allowed and the order of the High Court insofar as it grants the benefit of amended Sections 23(1A), 23(2) and 28 to the respondents, is set aside. In the circumstances of the case, however, there will be no order as to costs.