

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.9492 OF 2013

ORDER:

The issue arises under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act').

The 3rd respondent passed Award No.4 of 1980 dated 12.12.21980 determining the compensation payable to the lands acquired through Section 4(1) notification dated 29.12.1977. A few of the awardees sought reference under Section 18 of the Act. The reference was numbered as L.A.O.P.No.43 of 2000. The trial Court through judgment and decree dated 25.02.2002 enhanced the compensation awarded by the 3rd respondent. The State, aggrieved by the enhancement of compensation, filed A.S.No.1749 of 2004. Admittedly, the appeal was dismissed on 01.03.2013. In the counter affidavit filed by the respondents, reference to pendency of SLP (C) (C.C.No.9739 of 2014) is made for not considering the request of petitioners for re-determining under Section 28-A of the Act on the representation dated 27.07.2002.

At the time of hearing, learned counsel appearing for both parties admit that the SLP referred to in the counter affidavit as well as connected matters were dismissed by the Hon'ble Supreme Court through order dated 29.08.2014. With the dismissal of SLP, the reasons stated for non-consideration does not hold good. Therefore, the respondents are directed to consider the representation dated 27.07.2002 filed by the petitioners under Section 28-A of the Act and re-determine the compensation payable under Section 28-A of the Act.

The respondents are, therefore, directed to take up the enquiry into the representation dated 27.07.2002 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. It is made clear that the land was acquired in the year 1977, award was passed in 1980 and pursuant to the instant order, re-determination of compensation is undertaken in the year 2015. At least now to ensure timely receipt of compensation without fail, the respondents shall complete the enquiry and pass orders in (3) three months from the date of receipt of a copy of this order.

The writ petition is, accordingly, ordered. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.BHATT, J

31st March 2015

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