

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.26570 of 2007

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the Memo.No.F/712/88, dated 16-03-2007 on the file of the Respondent - Special Deputy Collector, L.A. Unit, SRSP, LMD Colony, Karimnagar, whereby the respondent rejected the petition filed by the petitioners for re-determination of compensation as barred by limitation, as illegal and arbitrary and consequently set aside the same by directing the respondent herein to re-determine the amount of compensation and pay the same in respect of the acquired lands of the petitioners herein under Section 28-A of the Land Acquisition Act.

2. The point raised by the learned counsel for the petitioner for consideration before the Court in this Writ Petition is that, 'whether the limitation under Section 28-A of the Land Acquisition Act starts from the original date of award passed by the court concerned or the same starts from the date of an order passed by the appellate Court.'

3. When the matter is taken up for hearing today, the learned counsel for the petitioner himself has fairly submitted that the Hon'ble Supreme Court in ***Jose Antonio Cruz Dos R. Redriguese and Anr. v. Land***

Acquisition Collector and Anr. ^[1] held that the limitation of three months for making application for re-determination of compensation should be filed within three months from the date of award by the Court concerned and the order passed subsequently by the appellate Court cannot be taken into consideration to calculate the delay in filing the petition under Section 28-A of the Act.

4. Hence, this Court is of the view that the point raised by the learned counsel for the petitioner is squarely covered by the above judgment of the Hon'ble Supreme Court. Therefore, the Writ Petition fails and it is accordingly dismissed. No order as to costs.

5. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

09th March, 2015

skmr

^[1] 1996 (6) SCC 746