

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE P. KESHA RAO**

WRIT APPEAL Nos.1369 of 2016 and 1086 of 2016

Common Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant-writ petitioner and the learned Government Pleader for Land Acquisition.

2. Writ Appeal No. 1369 of 2016 is against the order rendered on the Writ Petition seeking a declaration that a notification issued on 17.6.1995 under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") has lapsed due to non-passing of the award within two years as per Section 11-A of that Act. Certain other reliefs were also sought for.

3. The learned Single Judge noticed, among other things, that an award was passed on 26.10.1995. Various other aspects have also been looked into by the learned Single Judge. Ultimately, the Writ Petition was decided by relegating the writ petitioner to the competent Civil Court, on a reference under Section 18 of the Act. The official respondents were directed to make a reference in terms of that provision. It is submitted that such reference is pending before the competent Reference Court.

4. The issues now sought to be raised include the plea that the entire amounts covered by the award passed by the Collector have not been released and that the claimant-writ petitioner is entitled to interest and other accruals from a prior date, since, according to the appellant, actual dispossession was before the date of notification.

That is not a plea to be considered here. As far as other payables in terms of law are concerned, those issues could be raised before the Reference Court, to be answered by that Court in terms of the judicial precedents governing the field relating to interest and other components. As regards the plea of the appellant that the amounts due as per the award of the Collector were not deposited, we clarify that if the appellant-writ petitioner makes an interlocutory application before the Reference Court, if the reference case is pending, seeking an interlocutory order for disbursement of remaining amounts, if any, actually due in terms of the Collector's award, the Reference Court will consider that interlocutory application without delay.

5. Subject to the aforesaid, we do not see any ground to interfere with the order sought to be impugned in Writ Appeal No. 1369 of 2016. That Writ Appeal is ordered in terms of what is aforesaid.

6. Writ Appeal No. 1086 of 2016 is against the order by which the learned Single Judge refused the application for review of judgment, which was the subject matter of Writ Appeal No. 1369 of 2016, which we have dealt with hereinabove. In view of what is stated aforesaid and in the light of the directions contained hereinabove and also in the light of the fact that there is no error apparent on the face of the record, as rightly noticed by the learned Single Judge, nothing survives for consideration in that Writ Appeal. It fails and is, accordingly, liable to be dismissed.

7. In the result, W.A. No. 1369 of 2016 is ordered as above and W.A. No. 1086 of 2016 is dismissed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 23rd August, 2018

P. KESHA RAO, J

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