

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2009
CC 6237/2009

(From the judgement and order dated 30/05/2008 in CRP No. 581/2005 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SPECIAL LAND ACQUISITION OFFICER

Petitioner(s)

VERSUS

LAKSHMAMMA & ANR.

Respondent(s)

With I.A.No.1 (c/delay in filing SLP,c/delay in refiling SLP and office report)

Date: 03/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Ms. Anitha Shenoy,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

The matter relates to acquisition of 3 acres of land. Reference Court by award dated 24.3.1997, enhanced the compensation and awarded 12% p.a. under Section 23(1A) of the Land Acquisition Act from the date of possession instead of from the date of preliminary notification. Instead of filing an appeal, the petitioner filed a review petition. The review petition was dismissed on 1/6/2001. Thereafter, the petitioner filed a revision petition against the

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dismissal of the review petition instead of challenging the order dated 24/3/1997 in appeal, which was the appropriate remedy. The revision petition has been dismissed by the impugned order dated 30.5.2008 on the ground that the award was justified.

The grievance of the petitioner is that the High Court did not reject

the CRP on the ground that the review petition was not maintainable but on the ground that the award was justified in view of the decision of this Court in Sundar Vs. Union of India (2001) 7 SCC 211. The petitioner states that it has no objection for giving effect to the decision in Sundar, but his grievance is in regard to award of amount under Section 23(1A) from the date prior to the preliminary notification.

The petitioners ought to have challenged the award dated 24/3/1997. That was not done and the impugned order became final. The petitioner is not, therefore, entitled to any relief and we dismiss this petition. This dismissal should not, however, be treated as approval of the reasoning of the High Court in the revision petition.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master