

State of Karnataka

Vs

Mallinath and Others

Civil Appeals Nos. 9900-9904 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

30.10.1995

ORDER

1. It is stated in the affidavit filed by Matru Lal Kashyap, clerk of Shri Veerappa, the learned counsel for the petitioner, that on instructions from the Assistant Commissioner, Bijapur, Somavva Patil, the second respondent herein, had left behind her son Mallinath who is Respondent 1 in SLP (C) No. 14220 of 1986 as her legal representative and that since Mallinath is already on record, there is no need to bring him on record separately as legal representative. He is transposed as legal representative. Since he is already representing the estate of his deceased mother Somavva Patil, it is accordingly recorded.
2. Leave granted.
3. The controversy hinges upon the applicability of Section 23(1-A) of the Land Acquisition Act (for short 'the Act') as amended by Act 68 of 1984. Since the award of the Collector was made much prior to the Amendment Act, the claimants are not entitled to the payment of additional amount under Section 23(1-A) of the Act.
4. The appeals are allowed to the above extent and the orders of the High Court and the appellate court are set aside to that extent. In other respects, the award stands confirmed. No costs.