

Rafiq Mohd

Vs

State Government of M.P. and Others

Civil Appeal No. 5131 of 1996

(G. N. Ray, B. L. Hansaria JJ)

29.03.1996

JUDGMENT

HANSARIA, J.

1. Leave granted. Heard learned counsel for the parties. Perused written submissions filed on behalf of the respondents.
2. The appellant claims the benefits of Land Acquisition (Amendment) Act, 1984. As to when such benefits are available has been spelt out by two Constitution Bench decisions : (1) Union of India v. Raghubir Singh ((1989) 2 SCC 754) and (2) K.S. Paripoornan v. State of Kerala ((1994) 5 SCC 593). As the award by the Collector in the present case was passed on 20-11-1963, the appellant is not entitled to any additional sum visualised by Section 23(1-A) in view of the decision in Paripoornan case ((1994) 5 SCC 593). But the decree of the Reference Court being of 22-9-1983, benefits of amended Section 23(2) and 28 would be available because of the decision in Raghubir Singh case ((1989) 2 SCC 754).
3. The appeal is allowed accordingly. The additional amount which has become payable because of this judgment shall be paid to the appellant within a period of three months from today.
4. No order as to costs.