

# SUPREME COURT OF INDIA

State of Kerala

Vs.

Paily Mani

(S.B. Majmudar and Y.K. Sabharwal JJ.)

05.05.2000

## ORDER

### **S.B. MAJMUDAR, J.**

1. Seen the Office Report of 3rd May, 2000. Respondent nos. 2 to 5 are also represented by their Counsel Mr. C.N. Sree Kumar.

2. I.A. Nos. 6-10 - Applications for sub situation of deceased respondent No. 1 (Paily Mani) are allowed.

3. Leave granted.

4. A limited notice was issued on 11th July, 1995 as under:

Issue notice on the special leave petitions limited to the question of applicability of Section 23 of the Land Acquisition Act. Notice to indicate that the matters will be finally disposed of at the notice stage itself.

No orders on the stay application.

5. The respondents are served. No one has appeared to contest these proceedings when the matter was called out. The question involved in these proceedings is squarely covered against the respondents by a decision of this Court in the case of K.S. Paripoornan v. State of Kerala and Ors. . In view of this decision the benefit of Section 23(1-A) of the Land Acquisition (Amendment) Act, 1984 ('the Act' for short) granted to the respondent-claimants cannot be sustained for the simple reason that the award of the Collector was passed on 5th April, 1980 and from such award even though reference before the court might have been disposed of later on, benefit of Section 23(1-A) of the Act would not be available as held in the aforesaid decision of this Court. Following the said decision, therefore, these appeals are allowed. The award of compensation passed by the trial court and as confirmed by the High Court is modified to the limited extent that benefit under Section 23(1-A) of the Act will not be available to the concerned claimants. Rest of the award will stand confirmed.

6. No costs.

