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Court : Andhra Pradesh

Decided On : Mar-24-2003

Reported in : 2003(4)ALD870; 2003(4)ALT243

Judge : V.V.S. Rao, J.

Acts : [Land Acquisition Act, 1894](#) - Sections 18(1) and 28A

Appeal No. : WP No. 22525 of 1998

Appellant : Siddiram and ors.

Respondent : Special Deputy Collector (L.A.), Singoor Project

Advocate for Def. : Assistant Government Pleader for Land Acquisition

Advocate for Pet/Ap. : K. Raji Reddy, Adv.

Disposition : Petition allowed

Judgement :

ORDER

V.V.S. Rao, J.

1. Heard the learned Counsel for the petitioners and Ms. Nanda, the learned Assistant Government Pleader for Land Acquisition.

2. There cannot be any dispute that a person whose land is acquired and who did not make an application under Section 18 of the Act seeking reference to Civil Court may approach the Land Acquisition Officer for payment of compensation as enhanced by the Civil Court at the instance of other claimants. Such applications are to be made within three months from the date of the award of the Court. Proviso to Sub-section (1) of Section 28A of the Act is categorical and leaves no doubt that the period of three months within which an application to the Land Acquisition Officer/Collector is to be made shall be reckoned by excluding the time taken for obtaining the certified copy of the award of the Civil Court. The respondent obviously lost sight of the proviso to Sub-section (1) of Section 28A of the Act and mis-directed himself in rejecting the petitioners applications. Therefore, the order dated 17-9-1997 cannot be sustained in law.

3. In the result, the writ petition is allowed. The respondent is directed to take the applications made by the petitioners on 13-9-1993 and consider them in accordance with Section 28A(1) of the Act within a period of eight weeks from the date of receipt of this order.

4. The writ petition is accordingly allowed with costs quantified at Rs. 2000/- to be paid by the respondent personally to the petitioners.

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