

Mahendra Kumar and Others Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Mar-16-1999

Reported in : 1999(2)AWC1395

Judge : Ravi S. Dhavan and ;V.P. Goel, JJ.

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

Appeal No. : C.M.W.P. No. 9901 of 1999

Appellant : Mahendra Kumar and Others

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : D.N. Yadav, Adv.

Judgement :

Ravi S. Dhavart and V. P. Goel, JJ.

1. The petitioners seem to have become wiser after the event when amendments were made in 1984, to the [Land Acquisition Act, 1894](#). These amendments made provisions for certa'in additional payment like solatium and an increase in the rate of interest, paid along with compensation. About 15 years after amendments to the Act, the petitioners has an after thought that they could move an application under

Section 28A, itself a product of amendment and seek additional payment.

2. The petitioners, three sons of late Bhulai Yadav, claim that they have no knowledge about the land acquisition proceedings. The plea of the petitioners is itself inequitable and unclean. The father of the petitioners received an account payee cheque, dated 15 March, 1983 as compensation. On an enquiry from the Court, it was intimated that the petitioners father died in December, 1997. So, any person who may have a locus standi to move an application under Section 28A, and contend that the compensation be redetermined was the petitioners' father.

3. The petitioners are in no position to say that they have no knowledge of the land acquisition proceedings or the award in pursuance of which their father received compensation by an account payee cheque. After this, the chapter closed. The petitioners cannot reagitate these matters finally settled with their father sixteen years ago.

4. The writ petition was ill-advised and otherwise misconceived and is, accordingly, dismissed.

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