

Supreme Court of India

State Of Karnataka vs Mallinath & Ors on 30 October, 1995

Equivalent citations: 1995 SCC, Supl. (4) 670 JT 1995 (8) 154

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

STATE OF KARNATAKA

Vs.

RESPONDENT:

MALLINATH & ORS.

DATE OF JUDGMENT 30/10/1995

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1995 SCC Supl. (4) 670 JT 1995 (8) 154

1995 SCALE (6) 257

ACT:

HEADNOTE:

JUDGMENT:

O R D E R It is stated in the affidavit filled 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 No. 1 in SLP (C) No.14220/86 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.

Leave granted.

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(1A) of the Act.

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.