

GOVERNMENT OF ORISSA  
REVENUE DEPARTMENT

No. R&R(P)- 45/05 : 19137/Dated : 06.05.2005

From

Shri T.K.Mishra, IAS

Principal Secretary to Government

To

The Collector, Cuttack/Balasore.

Sub: **Disposal of petitions under section 28(A) of the Land Acquisition Act for re-determination of compensation.**

Ref: Letter No.22/LAC dated 3.1.2002 of ADM, Cuttack and Letter No.35/LA dated 11.1.2002 of Collector, Balasore.

Sir,

Inviting your attention to the subject and letters referred above, I am to say that Government after careful consideration has been pleased to decide that the following procedures may be adopted for disposal of petitions u/s 28(A) of L.A.Act for re-determination of compensation.

1. A person aggrieved with the award of the L.A.Collector can file an application the L.A Collector for re-determination of compensation u/s 28 (A) of L.A. Act, if a referral court awarded compensation in excess of the amount awarded by L.A. Collector under the same notification u/s 4(1) of the Act. In other words, when the court awards a higher compensation for same category of land notified under one notification, the person to whom lower compensation is awarded, may agitate his grievances u/s 28(A).
2. Similarly, application u/s 28 (A) has to be filed within three months from the date of the order passed by the referral court related to the land in respect of which re-determination is sought. Hence, it will not be necessary to compute the time limit from the date of earliest award u/s 26 of the Act. Rather the computation will commence from the date of passing of the award relating to the particular piece of land for which re-determination of compensation is now claimed. This flows from the judgement delivered in the case of Union of India Vrs Pradip Kumari and others reported in AIR 1995 SC, 2259 (Judgement Today 1995 (9) SC, 644).

3. This Department Circular No.53763/R. dated 22.11.2001 and such other circulars / instructions issued in respect of filing of application under section 28 (A) of the Land Acquisition Act are deemed to be superseded from the date of issue of this order.

Yours faithfully,

Sd/-

Principal Secretary to Government