

Government of Orissa
Revenue Department
No.LA(C)-27/2001 Puri 53763/R., Dated,
Bhubaneswar, the 22nd Nov. ,2001

From

Shri S.Rath,IAS

Principal Secretary to Government

To

All Collectors

Sub: Disposal of petitions under section 28-A(1)of the L.A. Act for re-determination of compensation

Sir/Madam,

I am directed to say that it has come to the notice of the Government that Land Acquisition Collectors are disposing of petitions filed under section 28-A(1) of the L.A. Act basing on the judgments/awards of the Civil Judge pronounced on different dates on the reference petitions Under section 18(1) of the L.A. Act relating to the same project. Owing to such erroneous interpretation of the provisions of the Act, the State is incurring such huge financial loss on account of payment of compensation along with interest to the claimants, whom are not eligible to such extra compensation along with interest.

In the circumstances, the following instructions are issued, in consultation with Law Department, for information and guidance.

A bare reading of the sub-section (1) of Sec.28 (A) of the Land Acquisition Act, 1894 (in short the Act), along with its proviso would indicate that the making of the award by the civil court or Judicial Officer which becomes the judgment and decree u/s 26, is the starting point from which the period of limitation is allowed for making an application u/s 28-A. However, while computing the period of these three months, the day on which the award was pronounced by the civil Court or the Judicial Officer and the time consumed for obtaining the certified copy of the said award should be excluded from the aforesaid period.

In a given set of facts, there could be more than one reference u/s 18 at the behest of different claimants of the lands covered by Sec. 4(1) Notification and the Court may make successive awards at the various times.

Thus the period of limitation mentioned above shall run from the pronouncement of earliest award by the civil court u/s 26 of the Act.

It is required that the above instructions should be scrupulously followed while disposing of the petitions

under Section 28-a (1) of the Land Acquisition of the Act. Receipt of the letter may be acknowledged.

Yours Faithfully,

Sd/-

Principal Secretary to Government