

V. RAMAKRISHNA RAO

v.

SINGARENI COLLIERIES COMPANY LTD. & ANR.

I.A. No. 2

IN

(Civil Appeal No. 7655 of 2004)

APRIL 21, 2011

[G.S. SINGHVI AND ASOK KUMAR GANGULY, JJ.]

Land Acquisition Act, 1894 – s.28A(3) – Appeal before Supreme Court allowed and the application u/s.28A(3) held maintainable – Application for correction of typographical errors in the judgment passed by the Supreme Court – Held: In view of the agreement between the counsel for the appellant and the respondents, direction issued that the errors be corrected.

CIVIL APPELLATE JURISDICTION : I.A.NO.2

IN

Civil Appeal No. 7655 of 2004.

From the Judgment & Order 19.07.2001 of the High Court of Judicature of Andhra Pradesh at Hyderabad in Writ Appeal No. 997 of 2001.

Sridhar Potaraju, D. Julius Riamei, Faichang P. Gangmei for the Appellant.

P. Parmeswaran, C.K. Sucharita, Nirada Das for the Respondents.

The following order of the Court was delivered

A

ORDER

B

This is an application for correction of typographical errors in paragraphs 3, 12 and 13 of judgment dated October 5, 2011 vide which this Court allowed the appeal preferred by the appellant-applicant, reversed the judgment of the Division Bench of the Andhra Pradesh High Court and held that the application filed by the appellant under Section 28A(3) of the Land Acquisition Act, 1894 is maintainable.

C

We have heard learned counsel for the applicant and the respondents who agree that the typographical errors in paragraphs 3, 12 and 13 of judgment dated October 5, 2010 may be corrected. In view of the above we direct that:

D

i) The last 4 lines of paragraph 3 shall stand substituted with the following:

E

“The Reference Court reconsidered the matter and passed order dated 17.7.2000, whereby it fixed market value of the acquired land at Rs.30,000/- per acre and also granted compensation at the rate of Rs.15,000/- towards subsoil mineral rights apart from 30% solatium on enhanced compensation with 12% interest on additional market value from the date of notification to the date of award and 9% interest per annum from the date of taking possession for a period of one year and thereafter 15% per annum till realisation of the enhanced compensation. The appeals filed by the parties against the fresh determination of market value by the Reference Court are pending before the High Court.”

F

G

ii) The last 7 lines of paragraph 2 of judgment dated October 5, 2010 shall stand substituted with the following:

H

“If the High Court dismisses both the appeals, then too the appellant will be entitled to compensation at the rate of Rs.30,000/- per acre for the acquired land and

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COMPANY LTD. & ANR.

compensation at the rate of Rs.15,000/- per acre towards subsoil mineral rights with other benefits. If, on the other hand, the amount of compensation payable in terms of order dated 17.7.2000 passed by the Reference Court is reduced by the High Court then the amount payable to the appellant will have to adjusted accordingly." A
B

iii) In paragraph 13, the number of Appeal Suit shall be substituted and shall always be deemed to have been substituted as 1634 instead of 1643.

I.A. is allowed in the manner indicated above. C

N.J.

I.A. allowed.