

THE GOVERNMENT AGENT, CENTRAL PROVINCE,

v. AMARAKON *et al.*

1896.

October 29.

*D. C., Mátara, 1,344.*

*The Land Acquisition Ordinance, ss. 30 and 21—Form of award—Appeal.*

In a suit under "The Land Acquisition Ordinance, 1876," unless what purports to be an award complies with all the requirements of section 30 of the Ordinance, it is not to be treated as an award, and no appeal lies therefrom.

IN this case the claimant named in the libel of reference filed by the Government Agent disputed the sufficiency of the compensation awarded. The case was tried by the District Judge and two assessors, and at its termination a decree was drawn up and signed by the District Judge only, awarding to the claimant a certain sum as compensation, and condemning him generally in costs. On appeal by the claimant against this decree,

*Dornhorst and Pieris*, for appellant.

*Dias, C.C.*, for respondent.

29th October, 1896. BONSER, C.J.—

We heard the argument on this appeal against an award by the District Court of Mátara in respect of certain land which has been compulsorily acquired by the Government for purposes of the railway on the footing that an award had been made. I must say that what I heard did not impress me with the idea of the Court having erred on the scale of illiberality. On the contrary, the impression left on my mind is that the Government Agent was exceedingly liberal with Government money in the offer that he made. However, it is not necessary to go into these matters, for on looking into the record I find that no award has been made.

Section 30 of the Land Acquisition Ordinance provides that "Every award made by the court shall be in writing signed by the district judge and assessors or assessor concurring therein, and shall specify the amount awarded under the 1st clause of section 21, and also the amounts (if any) respectively awarded under the 2nd, 3rd, and 4th clauses of the same section, together with the grounds of awarding each of the said amounts." The

1896. award should thus state the several amounts awarded under each  
*October 29.* head of section 21.\* It is also to state the amount of costs which  
BONSER, C.J. has been incurred in the proceedings, and by what person and in  
what proportions they are to be paid.

In this case what purports to be a decree has been drawn up and has been signed by the District Judge alone, and not by the assessor who concurred with him. It does not state the amount of costs incurred, but contains a general direction that the defendant was to pay all the costs. That is a mere nullity.

No appeal can be brought to this Court except against an award, and if no award has been made no appeal lies. The appeal is dismissed with costs.

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