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	done by the LAO and then had worked out the rates of the lands situated in each village after giving appropriate deduction/escalation, as the case may be, which had varied depending upon the mentioned factors. (ii) The approach of the High Court on perusal of the site map could not be faulted with. It was just and proper calling for no interference. (iii) The Appellant failed to show that the Courts below did not consider any material piece of evidence which had bearing over the issue in question. Likewise, the Appellant was also not able to show that the High Court committed any fundamental error in determining the market value of the land situated in villages. (iv) The High Court had fixed appropriate rates for the lands situated in each of the villages after taking into account their location and the potentiality from all angles. (v) Therefore, unable to find any good ground to further enhance the rate of compensation than what had been enhanced by the High Court in the impugned order.	
2.	**V. Chandrasekaran and Ors. vs. The Administrative Officer and Ors.** **(2012) 12 SCC 133** Land Acquisition Act, 1894 - Sec. 4 - Maintainability of the writ petitions by the person who purchases the land subsequent to a notification being issued under Sec. 4 of the Act? - A person who purchases land subsequent to the issuance of a Section 4 Notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title. Land Acquisition Act, 1894 - Secs. 5-A, 6 - Acquisition - The relief obtained by some persons, by approaching the Court immediately after the cause of action has arisen, cannot be the basis for other persons who have belatedly filed their petition, to take the benefit of earlier relief provided, for the reason that, such persons cannot be permitted to take impetus of an order passed by the Court at the behest of another more diligent person. In the event that the person interested has not filed objections in response to a notice issued under Section 5-A, and has not challenged the acquisition proceedings, the quashing of the declaration issued under Section 6 in some other case, would not enure any benefit to such person. More so, where the possession of land has already been taken, and such land stands vested in the State, free from all encumbrances as provided under Sections 16 and 17(2) of the Act, prior to the date of decision of the Court quashing the declaration in toto, no benefit can be taken by him. Where a party	**57**

	has not filed objections to the notice issued under Section 5-A, the declaration qua such persons is generally neither quashed, nor does it stand vitiated qua him, by any error of law warranting interference. There is also another view with respect to this matter, which is that, in case the said land has been acquired for a Scheme, which does not fall within the ambit of "public purpose" then, in such a case, it would not be a case of acquisition under the Act, instead, it would amount to colourable exercise of power. Land Acquisition Act, 1894 - Once the land is vested in the State, free from all encumbrances, it cannot be divested and proceedings under the Act would not lapse, even if an award is not made within the statutory stipulate period. Once the land is acquired and it vests in the State, free from all encumbrances, it is not the concern of the land owner, whether the land is being used for the purpose for which it was acquired or for any other purpose. He becomes persona non-grata once the land vests in the State. He has a right to only receive compensation for the same, unless the acquisition proceeding is itself challenged. The State neither has the requisite power to reconvey the land to the person-interested, nor can such person claim any right of restitution on any ground, whatsoever, unless there is some statutory amendment to this effect. Transfer of Property Act, 1882 - Sec. 41 - No one can transfer a better title than he himself possesses - This rule has certain exceptions - Transfer must be in good faith for value, and there must be no misrepresentation or fraud - Property is purchased after taking reasonable care to ascertain that the transferee has the requisite power to transfer the said land - Parties have acted in good faith as is required under Sec. 41 of T.P. Act. Land Acquisition Act, 1894 - Sec. 18 - In case the a ward is not accepted under protest, the person interested cannot make an application to make a reference under Sec. 18 of the Act. Legal Maxim - "Jure Naturae Aequun Est Neminem cum Alterius Detrimento Et Injuria Fieri Locupletiorem" - It means that it is a law of nature that one should not be enriched by causing loss or injury to another. Justice - Whenever a person approaches a Court of equity, in the exercise of its extraordinary jurisdiction, it is expected that he will approach the said Court not only with clean hands but also with a clean mind, a clean heart and clean objectives - He who seeks equity, must do equity. The judicial process cannot become an instrument of oppression or abuse, or a means in the process of the court to subvert justice, for the reason that the court exercises its jurisdiction, only in furtherance of justice. The interests of justice and public	

	interest coalesce, and therefore, they are very often one and the same. A petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court.	
3.	**Radhy Shyam (Dead) through L.Rs. and Ors. vs. State of U.P. and Ors.** **(2011) 5 SCC 553** Land Acquisition - Invoking Urgency Clause - Sections 4, 5-A and 17 of the Land Acquisition Act, 1894 - Division Bench of High Court dismissed Appellants challenge to acquisition at threshold on ground that averments contained in Petition were not supported by proper affidavit - Challenge against thereto - Hence, the present Appeal - (i) Whether High Court justified in non-suiting Appellants for lack of specific plea supported by proper affidavit to question decision taken by State Government to invoke Section 17(1) and 17(4) of the Act - (ii) Whether justification lies to invoke urgency clause contained in Section 17(1) by dispensing with inquiry envisaged under Section 5A - Held, where acquisition made by invoking Section 4 read with Section 17(1) and/or 17(4), High Court should insist upon filing of reply affidavit by Respondents and production of relevant records with exception for situations as enumerated in Section 17(2) - High Court to liberally construe pleading without applying technical rules of procedure embodied in the Code of Civil Procedure and rules of burden of proof, enshrined in Evidence Act - No justification lies for State Government to exercise power under Section 17(1) as acquisition was primarily meant to cater private interest in name of industrial development - Respondents neither pleaded nor placed evidence showing that State Government intended to establish industrial units on acquired land - Even if planned industrial development of district, treated as public purpose within Section 4, there was no urgency, which could justify exercise of power by State Government under Section 17(1) and 17(4) - Private entrepreneurs desirous of making investment, take time in setting up industrial units therefore, time required for ensuring compliance of provisions contained in Section 5A cannot be portrayed as delay so as to frustrate purpose of acquisition - Further, acquisition vitiated due to violation of doctrine of equality as Appellant's parcels of land were acquired while other similarly situated lands were left out from acquisition - Impugned order set aside - Appeal allowed with directions and cost.	**72**
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5.	**Bilkis and Ors. vs. State of Maharashtra and Ors.** **(2011)12SCC646** The potential to which the land is reasonably capable of being used in future by the owner should be taken into account in assessing compensation. Market value of the land can be determined by taking into consideration the geographical location of the land, existing use of land, already available advantages, like proximity to highways or any tourist destination.	**115**
6.	**Anand Singh and Ors. vs. State of Uttar Pradesh and Ors.** **(2010) 11 SCC 242** Civil - Illegal notification - Section 5A of Land Acquisition Act, 1894 - High Court dismissed Petition filed by Petitioners, and held that none of grounds raised by them was sustainable and upheld notifications under challenge - However, while dealing with aspect of existence of buildings on subject land and Petitioners' prayer for direction to State Government to consider deacquisition under Section 48 of Act, Court directed them to approach State Government for redressal of their grievance - Hence, this Appeal - Whether, notifications invoking urgency clause and dispensation of enquiry under Section 5A for public purpose were legal and valid - Held, notifications for proposed acquisition were issued and urgency clause was invoked and enquiry under Section 5A was dispensed with - However, insofar as Uttar Pradesh was concerned, there was amendment in Section 17 and Sub-section (1A) enabled Government to take possession if land was required for public purpose viz.; 'planned development' - Thus, no material was placed on record by State Government either before High Court or before this Court indicating application of mind that urgency was of such nature which warranted elimination of enquiry under Section 5A of Act -	**118**

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7.	**Devinder Singh and Ors. vs. State of Punjab and Ors.** **AIR 2008 SC 261** Distinction between acquisition under Part II and Part VII are self- evident. The State was not only obligated to issue a notification clearly stating as to whether the acquisition is for a public purpose or for the company. Section 6 categorically states so, as would appear from the second proviso appended thereto. A declaration is to be made either for a public purpose or for a company. It cannot be for both. Expropriatory legislation, as is well-known, must be strictly construed. When the properties of a citizen is being compulsorily acquired by a State in exercise of its power of Eminent Domain, the essential ingredients thereof, namely, existence of a public purpose and payment of compensation are principal requisites therefore. In the case of acquisition of land for a private company, existence of a public purpose being not a requisite criteria, other statutory requirements call for strict compliance, being imperative in character.	**137**
8.	**Sharda Devi vs. State of Bihar and Ors** **(2003)3SCC128** Land Acquisition Act, 1894 - Sections 3 (b), 3 (c), 18 and 30--Land Acquisition--Whether State can acquire its own land?--Held, "no"--State not interested party within meaning of Section 3 (b)--Whether reference under Section 30 at instance of State competent?--Held, "no"--Judgment of Division Bench liable to be quashed. The State is not a 'person interested' as defined in Section 3 (b) of the Land Acquisition Act, 1894. It is not a party to the proceedings before the Collector in the sense, which the expression 'parties to the litigation' carries. The Collector holds the proceedings and makes an award as a representative of the State Government. Land or an interest in land pre-owned by State cannot be subject-matter of acquisition by State. The question of deciding the ownership of State or holding of any interest by the State Government in proceedings before the Collector cannot arise in proceedings before the Collector (as defined in Section 3 (c) of the Act). If it was a Government land, there was no question of initiating the proceedings for acquisition at all. The Government would not acquire the land, which already vests in it. A dispute as to pre-existing right or interest of the State Government in the property sought to be acquired is not a dispute capable of being adjudicated upon or referred to the civil court for determination either under Section 18 or Section 30 of the Act. The reference made by the Collector under Section 30 to the Court was wholly without	**153**

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9.	**Delhi Administration vs. Gurdip Singh Uban and Ors.** **(2000)7SCC296** The Government is the best judge to decide whether the public purpose is served by issuing the Notification for acquisition of land. Concept that a review is not a rehearing and points out that its scope is very narrow. The Court should not permit hearing of such an application for 'clarification', 'modification' or 'recall' if the application is in substance one for review. The State and the DDA which are on the other side are impersonal bodies and if they are exercising statutory powers for the public good and acquiring land for public purposes, the Court has to balance the rights of parties and this has to be done within the four corners of the law. We are not lay courts meeting out justice according to our whims and fancies but are governed by law as well as by binding precedent.	**166**
10.	**Jilubhai Nanbhai Khachar v. State of Gujarat** **1995 Supp (1) SCC 596** Whether right to property is a basic structure, after Constitution 44th Amendment Act, 1978 – Held - Right to property under Article 300-A is not a basic feature or structure of the Constitution. It is only a constitutional right. The Amendment Act having had the protective umbrella of Ninth Schedule habitat under Article 31-B, its invalidity is immuned from attack by operation of Article 31-A. Right of eminent domain - The right of eminent domain is the right of the sovereign State, through its regular agencies, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the State including private property without its owner's consent on account of public exigency and for the public good. Eminent domain is the highest and most exact idea of property remaining in the Government, or in the aggregate body of the people in their sovereign capacity. It gives the right to resume possession of the property in the manner directed by the Constitution and the laws of the State, whenever the public interest requires it. The term 'expropriation' is practically synonymous with the term "eminent domain"."Shorn of all its incidents, the simple definition of the power to acquire compulsorily or of the term 'eminent domain' is the power of the sovereign to take property for public use without the owner's consent. The meaning of the power in its irreducible terms is, (a) power to take, (b) without the owner's consent, (c) for the public use. What is the meaning of the word 'property' used in Article 300-A and whether it is amenable to eminent domain – Held - The word 'property' used in Article 300-A must be understood in the context in which the sovereign power of eminent domain is exercised by the State and property expropriated.	**194**

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11.	**State of Bihar v. Dhirendra Kumar and Ors.** **AIR1995SC1955** The provisions of the Act are designed to acquire the land by the State exercising the power of eminent domain to serve the public purpose. The State is enjoined to comply with statutory requirements contained in Section 4 and Section 6 of the Act by proper publication of notification and declaration within limitation and procedural steps of publication in papers and the local publication envisaged under the Act as amended by Act 68 of 1984. In publication of the notifications and declaration under Section 6, the public purpose gets crystallised and becomes conclusive. Thereafter, the State is entitled to authorise the Land Acquisition Officer to proceed with the acquisition of the land and to make the award. Section 11A now prescribes limitation to make the award within 2 years from the last date of publication envisaged under Section 6 of the Act. In an appropriate case, where the Govt. needs possession of the land urgently, it would exercise the power under Section 17(4) of the Act and dispense with the enquiry under Section 5A. Thereon, the State is entitled to issue notice to the parties under Section 9 and on expiry of 15 days, the State is entitled to take immediate possession even before the award could be made. Otherwise, it would take possession after the award under Section 12. Thus, it could be seen that the Act is a complete code in itself and is meant to serve public purpose.	**231**
12.	**Satendra Prasad Jain and Ors. vs. State of U.P. and Ors.** **AIR 1993 SC 2517** Property - acquisition - Sections 4, 5 and 17 of Land Acquisition Act, 1894 - notification issued under Section 4 for acquisition of appellant's land for planned development and construction of Mandi of Agriculture Market Produce Smiti, Baraut - possession of land taken over by first respondent (State of Uttar Pradesh) and second respondent (Collector, Meerut) from appellants and handed over to third respondent (Krishi Utpandan Mandi Samiti) - later third respondent resolved to exclude said land from acquisition proceedings - appellants filed petition seeking direction to respondent to publish award in respect of said land - High Court dismissed petition as more than 2 years had elapsed since date of issue of notification under Section 4 as such by provision of Section 11A entire proceedings for acquisition had lapsed - appeal against	**233**

	Order of High Court - nothing to show possession was taken illegally or that land did not vest in first respondent - first and second respondent directed to publish award in respect of land - appeal allowed.	
13.	**Collector of 24 Parganas v. Lalith Mohan Mullick** **(1986) 2 SCC 138** Appeal challenging the judgment of a Division Bench of the Calcutta High Court - Section 4 of the West Bengal Land Development and Planning Act, 1948 - Public purpose – Held - Establishment of a hospital for crippled children falls within the idea of settlement and rehabilitation of displaced persons and the notification cannot he faulted on the ground that the purpose disclosed in the letters is one different from the public purpose disclosed in the notification. The Division Bench of the High Court was in error in quashing the notification.	**238**
14.	**Special Land Acquisition Officer v. Godrej and Boyce** **(1988) 1 SCC 50** Notification under Section 4 of the 1894 Act - Declaration under Section 6 of the 1894 Act - Withdrawal of acquisition - State Government passed orders withdrawing the lands of the respondent from acquisition under Section 48 of the Act - Encroachment by a large number of trespassers who put up slums - Writ of mandamus directing the State Government to make the award under Section 11 of the Act and to take possession of the lands after payment of due compensation to the respondent- Allowed by High Court - Challenged in Supreme Court – Held - High Court erred in striking down the order under Section 48 and compelling the State Government to acquire the lands of the respondent. Under the scheme of the Act, neither the notification under Section 4 nor the declaration under Section 6 nor the notice under Section 9 is sufficient to divest the original owner of, or other person interested in, the land of his rights therein. Section 16 makes it clear beyond doubt that the title to the land vests in the government only when possession is taken by the government. Till that point of time, the land continues to be with the original owner and he is also free (except where there is specific legislation to the contrary) to deal with the land just as he likes. So long as possession is not taken over, the mere fact of a notification under Section 4 or declaration under Section 6 having been made does not divest the owner of his rights in respect of the land or relieve him of the duty to take care of the land and protect it against encroachments. Again, such a notification does not either confer on the State Government any right to interfere with the ownership or other rights in the land or impose on it any duty to remove encroachments therefrom or in any other way safeguard the interests of the original owner of the land. It is in view of this position, that the owner's interests remain unaffected until possession is taken, that Section 48 gives a liberty to the State Government to withdraw from the acquisition at any stage before possession is taken. Orders of the High Court are set aside.	**246**

15.	**State of U.P. v. Pista Devi** **(1986) 4 SCC 251** Challenge to judgment of the High Court setting aside the acquisition of the entire extent of about 412 acres - Quashing the notification issued under Section 4(1) of the Act and all subsequent proceedings - Whether in the circumstances of the case it could be said that on account of the mere delay of nearly one year in the publication of the declaration it could be said that the order made by the State Government dispensing with the compliance with Section 5-A of the Act at the time of the publication of the notification under Section 4(1) of the Act would stand vitiated in the absence of any other material. Held - The letters and the certificates submitted by the Collector and the Secretary of the Meerut Development Authority to the State Government before the issue of the notification under Section 4(1) of the Act clearly demonstrated that at that time there was a great urgency felt by them regarding the provision of housing accommodation at Meerut. The State Government acted upon the said reports, certificates and other material which were before it. In the circumstances of the case it cannot be said that the decision of the State Government in resorting to Section 17(1) of the Act was unwarranted. The mere omission to refer expressly Section 17(1-A) of the Act in the notification cannot be considered to be fatal in this case as long as the government had the power in that sub-section to take lands other than waste and arable lands also by invoking the urgency clause. Whenever power under Section 17(1) is invoked the government automatically becomes entitled to take possession of land other than waste and arable lands by virtue of sub-section (1-A) of Section 17 without further declaration where the acquisition is for sanitary improvement or planned development. In the present case the acquisition is for planned development. We do not, therefore find any substance in the above contention. We hope and trust that the Meerut Development Authority, for whose benefit the land in question has been acquired, will as far as practicable provide a house site or shop site of reasonable size on reasonable terms to each of the expropriated persons who have no houses or shop buildings in the urban area in question - Judgment of the High Court cannot be sustained.	**254**
16.	**Aflatoon and Ors. vs. Governor of Delhi and Ors** **AIR 1974 SC 2077** Section 4 Notification is the foundation of the land acquisition proceedings and sine qua non for acquisition. In absence of such Notification, there cannot be any acquisition. Constitution - acquisition - Sections 4 and 6 of Land Acquisition Amendment and Validation Act, 1957 - no reason as to why petitioners should have waited for considerable time to come to Court for challenging validity issued long before on ground that particulars of public purpose not specified - valid notification under Section 4 is sin qua non for initiation of proceedings for acquisition of property - to have sat on fence and allowed Government to complete acquisition proceedings on	**264**

	basis that notification under Section 4 and declaration under Section 6 valid and then to attack notification on ground available to them at time of publication of notification would be putting premium on dilatory tactics.	
17.	**Munshi Singh and Ors. vs. Union of India (UOI)** **AIR 1973 SC 1150** Section 5A embodies a very just and wholesome principle that a person whose property is being or is intended to be acquired should have a proper and reasonable opportunity of persuading the authorities concerned that acquisition of the property belonging to that person should not be made. Section 5A is a substantial right when a person's property is being threatened with acquisition and that right cannot be taken away as if by a side wind. Sub-section (2) of Section 5A makes it obligatory on the Collector to give an objector an opportunity of being heard. After hearing all objections and making further inquiry he is to make a report to the appropriate Government containing his recommendation on the objections. The decision of the appropriate Government on the objections is then final. The declaration under Section 6 has to be made after the appropriate Government is satisfied, on a consideration of the report, if any, made by the Collector under Section 5A(2). The legislature has, therefore, made complete provisions for the persons interested to file objections against the proposed acquisition and for the disposal of their objections. It is only in cases of urgency that special powers have been conferred on the appropriate Government to dispense with the provisions of Section 5A	**272**
18.	**State of Madhya Pradesh and Ors. vs. Vishnu Prasad Sharma and Ors.** **AIR1966SC1593** In the first place, under section 21 of the General Clauses Act, (No. 10 of 1897), the power to issue a notification includes the power to rescind it. Therefore it is always open to government to rescind a notification under section 4 or under section 6, and withdrawal under section 48(1) is not the only way in which a notification under section 4 or section 6 can be brought to an end. Section 48(1) confers a special power on government of withdrawal from acquisition without cancelling the notifications under sections 4 and 6, provided it has not taken possession of the land covered by the notification under section 6. In such circumstances the government has to give compensation under section 48(2). Section 48 is not the only way to withdraw from the acquisition proceedings as it can be done resorting to Section 21 of the General Clauses Act following same procedure.	**279**

19.	**G.H. Grant vs. State of Bihar** **AIR 1966 SC 237** Property - reference - Sections 4 (1), 6, 7, 9, 12, 12 (2), 16, 18, 18 (1), 18 (2), 30, 31, 32, 33 and 34 of Land Acquisition Act, 1894 and Sections 3 and 11 of Bihar Land Reforms Act, 1950 - whether Land Acquisition Officer after fixing compensation and apportioning it can refer question of apportionment under Section 30 of Act - appellant's land notified for acquisition under Land Acquisition Act - before award pronounced State took over land under Bihar Land Reforms Act - award pronounced - State applied for reference under Section 30 of Land Acquisition Act - on reference District Court held State has no proprietary right over land - on appeal High Court held right over property on notification under Land Reforms Act vested in State - appellant under certificate appealed to Supreme Court - Supreme Court observed that title to land notified for acquisition became vested in State - right to compensation for land acquired devolved upon State - dispute between appellant and State regarding their conflicting claims to compensation - dispute can be referred under Section 30 of Land Acquisition Act - held, State can claim reference under Section 30 and Collector was justified in granting it. The Supreme Court held that if there is a dispute regarding apportionment of compensation amount amongst the persons interested, they can approach the Civil Court by filing a civil suit	**290**
20.	**Babu Barkya Thakur vs. The State of Bombay and Ors.** **AIR1960SC1203** In the definition section 3, the definitions of "Company" and "public purpose" are particularly noteworthy. The expression "Company" has been used in a very comprehensive sense of including not only the Companies registered under several statutes, Indian and English, but also includes a society registered under the Societies Registration Act of 1860 and a registered society within the meaning of the Co-operative Societies Act. The expression "public purpose" includes the provisions of village sites in districts in which the appropriate Government shall have declared by notification in the official gazette that it is customary for the Government to make such provision. It will thus be noticed that the expression "public purpose" has been used in its generic sense of including any purpose in which even a fraction of the community may be interested or by which it may be benefited. The proceedings begin with a Government notification under s. 4 that land in any locality is needed or is likely to be needed for any public purpose. On the issue of such a notification it is permissible for a public servant and workmen to enter upon the land to do certain acts specified therein with a view to ascertaining whether the land is adapted for the purpose for which it was proposed to be acquired as also to determine the boundaries of the land proposed to be included in the scheme of acquisition. It will be noticed that though the preamble makes reference not only to public purposes, but also to	**298**

Companies, the preliminary notification under s. 4 has reference only to public purpose and not to a Company.

Section 5A, which was inserted by the amending Act of 1923 and makes provision for hearing of objections by any person interested in any land notified under s. 4, makes reference not only to public purpose, but also to a Company. It is noticeable that s. 5A predicates that the notification under s. 4(1) may not only refer to land needed for a public purpose, but also to land needed for a Company and after the enquiry as contemplated by s. 5A has been made and the Collector had heard objections, if any, by interested parties he has to submit his report to the Government along with the record of the proceedings held by him and his recommendations on the objections. Thereupon, the Government has to make up its mind whether or not the objections were well-founded and the decision of the appropriate Government of those objections is to be treated as final. If the Government decides to overrule the objections and is satisfied that the land, the subject-matter of the proceedings, was needed for a public purpose or for a Company, a declaration has to be made to that effect. Such a declaration has to be published in the official gazette and has to contain the particulars of the land including its approximate area and the purpose for which it is needed. Once the declaration under s. 6 has been made, it shall be conclusive evidence that the land is needed for a public purpose or for a Company. Then follow the usual proceedings after notice is given to the parties concerned to claim compensation in respect of any interest in the land in question; and the award after making the necessary investigation as to claims to conflicting title, the compensation to be allowed in respect of the land, and, if necessary, apportionment of the amount of compensation amongst the persons believed to be interested in the land under acquisition. We are not concerned here with the proceedings that follow upon the award of the Collector and the matters to be agitated therein.

From the preamble as also from the provisions of Sections 5A, 6 and 7, it is obvious that the Act makes a clear distinction between acquisition of land needed for a public purpose and that for a Company, as if land needed for a Company is not also for a public purpose. The Act has gone further and has devoted Part VII to acquisition of land for Companies and in sub-s. (2) of s. of 38, with which Part VII begins, provides that in the case of an acquisition for a Company, for the words "for such purpose" the words "for purposes of the Company" shall be deemed to have been substituted. It has been laid down by s. 39 that the machinery of the Land Acquisition Act, beginning with s. 6 and ending with s. 37, shall not be put into operation unless two conditions precedent are fulfilled, namely, (1) the previous consent of the appropriate Government has been obtained and (2) an agreement in terms of s. 41 has been executed by the Company. The condition precedent to the giving of consent aforesaid by the appropriate Government is that the Government has to be satisfied on the report of the enquiry envisaged by s. 5A(2) or by enquiry held under s. 40 itself that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly

	connected therewith or that such acquisition is needed for the construction of some work which is likely to prove useful to the public. When the Government is satisfied as to the purposes aforesaid of the acquisition in question, the appropriate Government shall require the Company to enter into an agreement providing for the payment to the Government (1) of the cost of the acquisition, (2) on such payment, the transfer of the land to the Company and (3) the terms on which the land shall be held by the Company. The agreement has also to make provision for the time within which the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided and in the case of a construction of any other kind of work the time within which and the conditions on which the work shall be executed and maintained and the terms on which the public shall be entitled to use the work.	
21.	**State of Bombay v. R.S. Nanji** **AIR 1956 SC 294** Order the Government of the State of Bombay requisitioned under Section 5 of the Bombay Land Requisition Act, 1948 - Requisition of the part of the building for a public purpose, namely, for housing an Officer of the State Road Transport Corporation which is a public utility service - Bombay High Court set aside the impugned order - Division Bench affirmed the decision of Single judge - Whether the requisition was for a public purpose and therefore could not have been validly made under Section 5 of the Requisition Act? Held - It is impossible to precisely define the expression 'public purpose'. In each case all the facts and circumstances will require to be closely examined in order to determine whether a 'public purpose' has been established. Prima facie the Government is the best judge as to whether 'public purpose' is served by issuing a requisition order, but it is not the sole judge. The courts have the jurisdiction and it is their duty to determine the matter whenever a question is raised whether a requisition order is or is not for a 'public purpose'. The requisitioned premises were at the disposal of the Corporation to house one of its officers to be named later on. Apart from that, there is a statutory power in the Corporation under Section 19(1)(c) of the Act to provide living accommodation for its employees and under Section 14 the Corporation appoints such number of its officers and servants as it considers necessary for the efficient performance of its functions. It may be assumed, therefore, that the Corporation appoints only such officers as are needed for the efficient discharge of its functions and that the State Government was requested to requisition some premises as living accommodation for one of them whose posting at Bombay was necessary. Having regard to the provisions of Section 19(2)(a) and (b) of the Act, the power in the Corporation to provide living accommodation for its employees must be regarded as one of its statutory activities under Section 19(1). The word 'acquire' may include the power to purchase by agreement but is wide enough to enable the Corporation to request the State Government to acquire property under the Land Acquisition Act (1 of 1894) in order to provide living accommodation for its employees. Here the Corporation is a public utility concern and the general interest of the community is directly and vitally concerned with its activities and its undertaking. The appeal is allowed and the decision of the High Court is set aside.	**305**

	Session – 2 **Procedural Fairness and Natural Justice Principles in Acquisition**	
22.	**Indore Development Authority vs. Burhani Grih Nirman Sahakari Sanstha Maryadit Sneh Nagar and Others** **2023 SCC OnLine SC 232** Appeal against judgment passed by the High Court of Madhya Pradesh at Indore - Writ petitions against finalisation of Scheme No. 97 under Section 50 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the subsequent land acquisition proceedings undertaken by the State of Madhya Pradesh under Sections 4 and 6 of the Land Acquisition Act, 1894 - Held - It cannot be said that the release of the land was arbitrary and/or with an object of undue favour to those persons whose lands have been released. As rightly submitted that even otherwise such lands were to be acquired for residential, park and industrial purposes, release of the land which according to the authority was for valid reasons or valid grounds has not prejudiced or affected the integrity of the scheme. The end result of the release of some land is that the total area of the scheme is lesser to that extent but the integrity of the scheme remains the same. At this stage, it is required to be noted that some of the lands have already been used by the authority for the purpose of a park which is used for the benefit of local people. Under the circumstances, the third ground on which the scheme and the entire acquisition proceedings have been quashed by the High Court does not stand on its legs and the said finding is unsustainable. The present appeals are allowed and the impugned common judgment and order passed by the High Court dismissing the writ appeals and the common judgment and order passed by the learned Single Judge declaring Scheme No. 97 as having lapsed under section 54 of the Adhiniyam and quashing and setting aside the entire acquisition proceedings with respect to the lands in question, are unsustainable and the same deserve to be quashed and set aside and accordingly are hereby quashed and set aside.	**312**
23.	**State of Haryana and Others vs. Niranjan Singh and Others** **2023 SCC OnLine SC 186** Appeal against judgment passed by the High Court of Punjab and Haryana - High Court set aside the action of the State in declining prayer of the original writ petitioners - Release of acquired land. Held - The land in question is already utilized and used for the sewage lines and approximately Rs. 17 crores have been spent in constructing sewage lines. Therefore, the High Court has committed a very serious error in quashing and setting aside the acquisition with respect to the said land which is already put to use for the sewage lines which is being used for the public purpose and for the residents of the locality. If the judgment and order passed by the High Court stands in that case, the entire	**341**

	sewage lines will have to be removed which has been constructed after spending Rs. 17 crores and which is being used for public purpose. The submissions on behalf of the original writ petitioners is that leaving aside the land which is already used for the sewage lines, the remaining land be released cannot be accepted. The part land cannot be released and/or with respect to the part land, the acquisition cannot be quashed. It is required to be noted that in the present case the acquisition has been completed including acquiring the land, passing the award and payment of compensation and the land in question is vested in the State Government free from all encumbrances. Under the circumstances, the impugned judgment and order passed by the High Court in CWP No. 10452/2014 is unsustainable and the same deserves to be quashed and set aside. Similarly, so far as the Civil Appeal arising out CWP No. 6729/2013 is concerned, the representation of the original writ petitioners to release the land from acquisition is rejected on the ground that the land is required for widening of the road. Having gone through the map, we are of the opinion that when the land in question is required by the State for widening of the road and when the entire acquisition proceedings have been concluded including declaration of the award, passing of the award and the payment of the compensation, the acquisition with respect to the said land which is required for widening of the road ought not to have been quashed and/or the same land was not required to be released. The State was absolutely justified in not releasing the said land which as such is required for the widening of the road. Under the circumstances, the impugned judgment and order passed by the High Court in CWP No. 6729/2013 deserves to be quashed and set aside. In view of the above and for the reasons stated above, Civil Appeal arising out of SLP (C) No. 11843/2022 arising out of the impugned judgment and order passed in CWP No. 16346/2013 is hereby dismissed with the above observations. Civil Appeals, arising out of SLP (C) No. 11844/2022 (arising out of CWP No. 10452/2014) and SLP (C) No. 11842/2022 (arising out of CWP No. 6729/2013) and arising out of SLP (C) No. 3980 of 2023, are hereby allowed. The impugned judgment(s) and order(s) passed by the High Court in CWP Nos. 10452/2014 and 6729/2013 are hereby quashed and set aside.	
24.	**Laxmikant and Ors. vs. State of Maharashtra and Ors.** **(23.03.2022 - SC) : (2022)7SCC252** The Supreme Court observed that the Court cannot grant additional period for acquisition of land if the law does not contemplate any further period for acquisition. "The land owner cannot be deprived of the use of the land for years together. Once an embargo has been put on a land owner not to use the land in a particular manner, the said restriction cannot be kept open-ended for indefinite period."	**351**

25.	**M. Mohan vs. The State Government of Tamil Nadu and Ors.** **(02.09.2022 - SC) : AIR 2022 SC 4085**	**355**

Land Acquisition - Acquisition of land - Compliance of procedure - Section 15(1) of Tamil Nadu Highways Act, 2001 and Rule 5 of Tamil Nadu Highways Rules, 2003 - Lands in question owned by Petitioner were acquired by State Government to construct Grade Separators for purpose of constructing Flyover and Subway - Notice was issued inviting objections of owners pursuant to which Petitioner submitted his detailed objections - After considering objections, notification under Section 15(1) of Act was issued - Original land owners being aggrieved with notification filed writ petitions before High Court - Single Judge dismissed writ petitions by observing that there was substantial compliance and there was no illegality committed in issuing notification under Section 15(1) of Act - Original writ Petitioner filed writ appeal before Division Bench of High Court which stand dismissed - Hence, present appeal - Whether High Court was right in observing that there was substantial compliance of Section 15 of Act read with Rule 5 of Rules for acquisition of land.

Facts:

The lands in question owned by the Petitioner-original land owner were required to construct Grade Separators for the purpose of constructing a Flyover and Subway. The said lands were acquired under the provisions of the Tamil Nadu Highways Act, 2001. A notice was issued inviting objections of owners and any other person having interest in the lands to be acquired to show cause as to why the lands may not be acquired. The Petitioner-original land owner submitted his detailed objections and the notices were also sent to the highways authorities/department of the division concerned. After considering the objections raised by the original land owner on the report submitted by the highways authorities, a notification under Section 15(1) of the Act, 2001 was issued. The original land owners being aggrieved with the notification issued under Section 15(1) of the Act, 2001 filed writ petitions before the High Court. The Single Judge by a detailed judgment and order dismissed the writ petitions by observing that the notification under Section 15(1) of the Act, 2001 was followed by a detailed enquiry and after considering the objections raised by the original land owners. The Single Judge opined that there was substantial compliance and there was no illegality committed in issuing the notification under Section 15(1) of the Act, 2001. Feeling aggrieved and dissatisfied with the judgment and order passed by the Single Judge dismissing the writ petitions, the original writ Petitioner filed writ appeal before the High Court. The Division Bench of the High Court had dismissed the said appeal.

Held, while dismissing the appeal:

(i) Before issuance of notification under Section 15(1) of the Act, 2001, fullest opportunity had been given to the original land owner to submit his objections.

	Thereafter, the enquiry had been conducted as required under Sub-section (2) of Section 15 and after considering the objections and having been satisfied that the land was required for the purpose of Highways Department, the notification under Section 15(1) of the Act, 2001 has been issued. It is to be noted that before issuing the notification under Section 15(1) of the Act, 2001, a statement by way of answer to the objections by the Highways Department was before the authority and thereafter the notification under Section 15(1) of the Act, 2001 had been issued. Therefore, the Single Judge and the Division Bench of the High Court was right in observing that there was a substantial compliance of Section 15 of the Act, 2001 read with Rule 5 of the Rules, 2003 and no interference of the Court was called for. (ii) The Petitioner, was right in making submission that as the validity of Rule 5 was not before the High Court therefore, the High Court ought not to have held Rule 5 to be ultra vires. However, from the impugned judgment and order of the Division Bench of the High Court, it appears that the Division Bench of the High Court was of the opinion that Rule 5 being a subordinate legislation was inconsistent with the provision of Section 15(2) of the Act, and therefore, the same was to be ignored. It was true that the same was not warranted and we are of the opinion that Rule 5 cannot be said to be inconsistent with Section 15(2) of the Act. However, on merits and for the reasons stated this court was in complete agreement with the ultimate view taken by the Single Judge confirmed by the Division Bench of the High Court upholding the acquisition in question.	
26.	**Delhi Airtech Services Pvt. Ltd. and Ors. vs. State of U.P. and Ors.** **(14.10.2022 - SC) : MANU/SC/1337/2022** Facts: The Respondent No. 2 was to implement a planned Industrial layout for which purpose the requisite land was to be acquired. The project was envisaged by the Respondent No. 1 as a part of planned Industrial Development. Hence, Respondent No. 1 being the appropriate Government, issued the Notification and pursuant thereto, the declaration under Section 6 of the Act, 1894 was notified and published declaring that the area was required by the Government for planned industrial development. The Appellant, a company claims to be the owner of the said small extent of land. The Appellant alleges that they were not served with the notice contemplated under Section 9(1) of Act, 1894. However, it is not disputed that possession was nevertheless taken. But the grievance raised by the Appellant was that neither the initial requirement of tendering and paying eighty percent of the estimated compensation contemplated under Sub-section (3A) to Section 17 of Act, 1894 was complied nor was the requirement of Section 11A of the Act, 1894 to pass the award within two years from the date of declaration complied. In that view, the Appellant filed the writ petition. The High Court having considered the matter was of the opinion that Section 11A of Act, 1894 was not attracted to the proceedings for acquisition in exercise of the power under Section 17 of Act, 1894.	**363**

	Held, while disposing off the appeal: (i) Section 11A though applicable to the cases of acquisition initiated Under Section 17(1) of Act, 1894 the consequence of it will not affect the case where the land has absolutely vested on compliance of Sub-section (3A) to Section 17 of Act, 1894 and eighty percent of estimated compensation is tendered and paid. Hence, when there was a challenge by the land loser, each case would have to be considered on its own merits to determine whether the pre-requisite condition to tender and pay as contemplated under Sub-section (3A) is made before possession is taken. If in the case concerned the mandatory prerequisite is not complied, such acquisition will loose its character as being under Section 17 and if the award is not passed within two years from the date of the declaration, it will lapse and not otherwise. The benefit of said provision is available only to be invoked by the land loser and could not be invoked by the acquiring authority to claim lapse by pointing to non-compliance since the vice of non-compliance could not be permitted to be converted into a virtue. [17] (ii) The acquisition would lapse insofar as the Appellant's land in view of conclusion on the legal aspect. However, in the fact situation, the relief was required to be moulded. This was for the reason that the land belonging to the Appellant was not a stand-alone extent. As noted, the acquisition was for a planned industrial layout and the total extent acquired and possession of land taken of which, the land belonging to the Appellant was only certain bighas. In the planned layout, the land had been utilized for various purposes and amenities. A Mandi had been constructed over a larger extent of land of which the smaller extent of land belonging to the Appellant also forms a part. Hence reversion of the land does not arise. Further, the course as suggested in Laxmi Devi to issue a fresh notification also would not be appropriate, since the very scheme of acquisition and determination of compensation under the old regime had undergone a sea change. As such it would be unjust not only to the state exchequer but also the other land losers under the same notification if the present prevailing process is applied in determining the compensation. Further, though after being nudged by the High Court, the award in any event was passed under the old regime which was now to be substituted with adequate compensation. [23] (iii) On weighing all aspects of the matter, this court deem it appropriate that it would serve the ends of justice to direct the Respondents to determine the market value insofar as the Appellant's land was concerned by reckoning the relevant date as the date on which the award was ultimately passed, by applying the yardstick under Act, 1894. It was made clear that only the market value be determined as on that date but for awarding the statutory benefits, it shall be calculated from the date of the original notification since admittedly the Appellant had been dispossessed pursuant to the notification. Further, from the date on which the fresh award was passed pursuant to this judgment, the Appellant would get the cause of action for seeking reference if dissatisfied with the quantum of compensation awarded. It was made clear that the	

	determination of compensation, in this case, shall not give rise to any right in favour of any other land loser whose land was acquired under the same notification, to seek for re-determination of compensation where the same had already attained finality.	
27.	**Hamid Ali Khan (D) through L.Rs. and Ors. vs. State of U.P. and Ors. (23.11.2021 - SC) : MANU/SC/1120/2021** Land Acquisition - Public Purpose - Notifications relevant issued - Sections 4, 5A, 6 and 17(4) of the Land Acquisition Act, 1894 (Act) - Need of inquiry under Section 5A dispensed with - Powers under Section 4 and 17(4) came to be invoked in regard to the property of Appellants - Division Bench by the impugned judgment dismissed the writ petition - Whether there were relevant material before the Government to invoke power Under Section 17(4)? Facts: In the instant matter issue pertains to notification issued under Section 4(1) of the Act coupled with notification under 17(4) was issued in regard to relevant land for the construction of a residential colony. Land included Plots belonging to Appellants children. The Appellants did not raise any objection as the requirement of Section 5A of the Act stood dispensed with. Declaration under Section 6 of the Act was published. It is the specific case of the Appellants that despite the urgency Clause being invoked, the possession and subsequent activities were carried out after much delay and urgency clause thus was wrongfully invoked. Held, while allowing the Appeal: Declaration under Section 6 was issued only on the eve of expiry of one year from 11.4.2008. The urgency indicated in the file is to tide over the bar of issuance of declaration under Section 6 beyond one year from 11.4.2008 the date on which notification under 4/17 was issued. There is no indication in the file about the urgency for issuing the declaration immediately after the notification under Section 4. In other words, the file does not reveal any urgency at all associated with the need to acquire the land immediately which constitutes the foundation for invoking the urgency clause. The statutory authority under Section 5A of the Act is expected to give a fair hearing. It can stand between an uncalled for proposal to acquire property. Disputed questions of facts in regard to the property to acquire the property are to be considered by the same Authority. Yet another pertinent aspect is the fact that the subject matter of the second acquisition was 2 and odd hectares. It was apparently just the Appellants, who had to be given a hearing. The delay with which Section 6 declaration was issued, possession taken and the nature of the material on the basis of which the proposal was processed, the Appellants are justified in contending that the notification under 17(4) dispensing with the inquiry under Section 5A was unjustified.	**377**

	The appeal is allowed. The impugned judgment set aside and the writ petition filed by the Appellants shall stand allowed.	
28.	**Kedar Nath Yadav v. State of W.B.** **(2017) 11 SCC 601** State of West Bengal's industrial policy to establish automobile industries in the State - Challenge to the proceedings of the acquisition of land to an extent of about 1000 acres - Validity of the acquisition of land and the compensation awarded thereafter in favour of the land losers - Appeals arise out of the judgment passed by the High Court of Calcutta – Held - Proper procedure as laid down under Part VII of the LA Act read with the Rules was not followed by the State Government. The acquisition of land for and at the instance of the Company was sought to be disguised as acquisition of land for "public purpose" in order to circumvent compliance with the mandatory provisions of Part VII of the LA Act. Admittedly, the procedure for acquisition as contemplated under Sections 39, 40 and 41 of Part VII of the LA Act read with Rules 3, 4 and 5 of the Land Acquisition (Companies) Rules, 1963 has not been followed, as the acquisition was sought to be guised as one for "public purpose" under Sections 3(f)(iii), (iv) and (vii) of the LA Act. The acquisition of land in the instant case in favour of the Company is thus, improper for not following the mandatory procedure prescribed under Part VII of the LA Act and the Rules and therefore the acquisition proceedings are liable to be quashed.	**399**
29.	**Union of India (UOI) and Ors. vs. Shiv Raj and Ors.** **AIR 2014 SC 2242** Land Acquisition - Natural justice - Breach thereof - Quashing of proceedings - Sections 5A and 24(2) of Land Acquisition Act, 1894 - Present appeals filed against order quashing land acquisition proceedings as objections filed by Respondents/Tenure Holders had not been considered by statutory authorities in strict compliance of principles of natural justice and thus, subsequent proceedings stood vitiated - Whether land acquisition violated principles of natural justice - Held, before Respondents were deprived of their land by way of compulsory acquisition, they should have got opportunity to oppose decision of State Government which was not done - Further, recommendations made by Land Acquisition Collector who accorded hearing to Objector/Respondents must have also submitted report/take decision on objection - In case his successor decided case without giving fresh hearing, order would stand vitiated having been passed in violation of principles of natural justice - Impugned order was satisfied after examining original record that objections had been dealt with in flagrant violation of law - Hence, no infirmity in impugned order - Appeals dismissed.	**528**

30.	**Tukaram Kanaji Joshi v. MIDC** **(2013) 1 SCC 353** Appeal challenging judgment passed by the High Court of Bombay - Claim for compensation for the land taken by the respondent authorities, without resorting to any procedure prescribed by law - Issue - Whether the State should be allowed to deprive a citizen of his property, without adhering to the law – Held - The appellants have been seriously discriminated against qua other persons, whose land was also acquired. Some of them were given the benefits of acquisition, including compensation in the year 1966. This kind of discrimination not only breeds corruption, but also disrespect for governance, as it leads to frustration and to a certain extent, forces persons to take the law into their own hands. The findings of the High Court, that requisite records were not available, or that the appellants approached the authorities at a belated stage are contrary to the evidence available on record and thus, cannot be accepted and excused as it remains a slur on the system of governance and justice alike, and an anathema to the doctrine of equality, which is the soul of our Constitution. Even under valid acquisition proceedings, there is a legal obligation on the part of the authorities to complete such acquisition proceedings at the earliest, and to make payment of requisite compensation.	**540**
31.	**Ramji Veerji Patel v. Revenue Divisional Officer** **(2011) 10 SCC 643** Challenging the acquisition of land – Appeal against judgment of the Division Bench of the Madras High Court- Held- In the name of justice to the appellants, under Article 142, nothing should be done that would result in frustrating the acquisition of land which has been completed long back by following the procedure under the Act and after giving full opportunity to the appellants under Section 5-A. In any case, the present case is not a case where the other lands suggested by the appellants have been found to be equally suitable. The Government has given reasons as to why the appellants' land has been found to be more suitable for expansion of the depot. The appellants' land is adjacent to the existing depot of the Corporation having easy access to the main road. In our view, the manner in which the decision has been taken by the Government regarding suitability of the appellants' land for expansion of the depot of the Corporation is not vitiated by any error of law nor is it irrational or founded on the extraneous reasons.	**550**
32.	**Chameli Singh v. State of U.P.** **(1996) 2 SCC 549** Appeal against judgment by the Division Bench of the Allahabad High Court - Declaration under Section 6 of the Land Acquisition Act, 1894dispensing with the inquiry under Section 5-A of the Land Acquisition Act, 1894 - validity of the notification under Section 4(1) and the exercise of the power given under Section	**560**

	17(1) read with Section 17(4) dispensing with the inquiry under Section 5-A was challenged - whether invocation of urgency clause under Section 17(4) dispensing with inquiry under Section 5-A is arbitrary or is unwarranted for providing housing construction for the poor - Held - In every acquisition by its very compulsory nature for public purpose, the owner may be deprived of the land, the means of his livelihood. The State exercises its power of eminent domain for public purpose and acquires the land. So long as the exercise of the power is for public purpose, the individual's right of an owner must yield place to the larger public purpose. For compulsory nature of acquisition, sub-section (2) of Section 23 provides payment of solatium to the owner who declines to voluntarily part with the possession of land. Acquisition in accordance with the procedure is a valid exercise of the power. It would not, therefore, amount to deprivation of right to livelihood. Section 23(1) provides compensation for the acquired land at the prices prevailing as on the date of publishing Section 4(1) notification, to be quantified at later stages of proceedings. For dispensation or dislocation, interest is payable under Section 23(1-A) as additional amount and interest under Sections 31 and 28 of the Act to recompensate the loss of right to enjoyment of the property from the date of notification under Section 23(1-A) and from the date of possession till compensation is deposited. It would thus be clear that the plea of deprivation of right to livelihood under Article 21 is unsustainable.	
33.	**Ram Chand and Ors. vs. Union of India (UOI) and Ors** **(1994) 1 SCC 44** Property - Quashing of Acquisition - Section 4 of Land Acquisition Act - Land acquisition proceedings had been initiated by issuance of notifications under Section 4 of Act, but no awards were made, although declarations under Section 6 of Act had been made - However, Petitioner filed Writ petitions and civil appeal for quashing of land acquisition proceedings - Hence, this Petition - Whether, acquisition proceedings could be quashed - Held, in exercise of power under Article 32 and High Court under Article 226, could have quashed proceedings - However, Delhi Administration and Delhi Development Authority had taken possession of lands and developments had been made, it could not be proper exercise of discretion to quash proceedings as it could affect public interest - Moreover, third party interests created in meantime were also likely to be affected and such third parties were not impleaded - Therefore, relief of quashing acquisition proceeding was inappropriate due to subsequent events - Consequently, High Court or Apex Court, could grant modified relief in consideration to injury caused to claimants by inaction on part of Respondents - Thus, Respondent was directed to pay any additional amount to Petition - Petition allowed.	**574**

	Session – 3 **Determination of Compensation and** **Rehabilitation and Resettlement of Affected Persons**	
34.	**The Revenue Divisional Officer and Ors. vs. Ismail Bhai and Ors.** **(22.11.2022 - SC) : MANU/SC/1528/2022** In a relief to the land owners who are yet to get compensation for their lands acquired 40 years ago, the Supreme Court directed the authorities to pay compensation within two months.	**584**
35.	**S. Shankaraiah and Ors. vs. The Land Acquisition Officer and Revenue Divisional Officer Peddapali Karimnagar Dist. and Ors.** **(09.11.2022 - SC) : AIR2022SC5702** Purpose of land acquisition is also a relevant factor for determining market value. When the acquisition is solely for the purpose of excavation of coal and the entire land is acquired on the basis of the estimates of the coal reserve identified and the entire land is to be mined and used and no further developmental activity is required, we are of the opinion that in the facts and circumstances of the case, the High Court has erred in deducting 1/3rd towards the developmental activities.	**590**
36.	**Madhukar and Ors. vs. Vidarbha Irrigation Development Corporation and Ors.** **(31.01.2022 - SC) : MANU/SC/0118/2022** Land Acquisition - Compensation - Enhancement - Section 18 of the Land Acquisition Act, 1894 - Whether Reference Court illegally interfered with by the High Court making the impugned finding not sustainable? Facts: The present appeal was preferred against the impugned judgment assessing compensation for the land acquired. The order of the Reference Court enhancing compensation was set aside in the order impugned. Hence, the present appeal. Held, while allowing the Appeal: The market value must be determined keeping in view the various factors including proximity to the developed area and the road etc. As per the evidence led by the landowners, the land acquired is ½ km from the road. The land is close to developed residential or commercial or institutional areas. The High Court has erred in law in holding that since the land of the sale exemplars Exh. 31 and Exh. 32 is of irrigated	**594**

	agricultural land whereas the land acquired is unirrigated, is not the reasonable yardstick to determine market value of the land as the land in question is close to an already developed area. The reasoning of the High Court is fallacious and not sustainable. Consequently, the appeals were allowed.	
37.	**Walchandnagar Industries Ltd. vs. The State of Maharashtra and Ors. (04.02.2022 - SC) : (2022)5SCC71** Land Acquisition - Compensation - Injurious affection to earnings and property - Reference - Section 18 of the Land Acquisition Act, 1894 - Rolling stock - High Court refused awarding compensation towards increased in transportation cost - Hence the present appeal - Whether refusal by High Court to grant compensation sustainable? Facts: By the impugned judgment High Court modified the award of Reference Court passed causing claimant-landowner to file the present appeals. The Appellant is a company that established a township. For the purpose of transporting sugarcane and other goods, the Appellant had laid trolley lines inside its estate and also set up a narrow gauge trolley line for transportation of heavy engineering goods. Appellant contended that they wanted the Government to invoke the urgency Clause for the acquisition of some other land for diverting the trolley line. But it was the case of the Respondents that the Appellant had by then abandoned transportation through trolley line and switched over to road transport. Held, while partly allowing the Appeal: The refusal of the High Court to award any compensation for the injurious affection to one set of movable property, namely, rolling stock cannot be found fault with. Similarly, the refusal of the High Court to award any compensation for increase in transportation cost, falling under the category of "injurious affection to earnings" cannot also be faulted. However, the refusal of the High Court to grant compensation for the injurious affection sustained by the Appellant to one set of movable property, namely, rails and sleepers forming the trolley line for a distance of 28 kms., is clearly unsustainable especially when the grant of compensation for the injurious affection to rails and sleepers submerged in the backwaters, has been sustained by the High Court. In fact, the State has not come up on appeal against the grant of compensation for the injurious affection to the trolley line to a distance of 7 kms which got submerged in back waters. That the remaining portion of the trolley line to a distance of 28 kms has been rendered useless after the acquisition, is not in dispute.	**598**

	Injurious affection to property, in any other manner, may stand on a different footing from injurious affection to earnings. While there is no evidence on record to connect the drop in the level of profits from 1975-76 to 1976-77, with the increase in transportation costs, there is acceptable evidence to show that movable property became useless after the acquisition. Therefore, both stand on different footings. Therefore, the appeals are partly allowed, setting aside that portion of the findings and conclusions reached by the High Court in the impugned judgment (para 22), whereby the award of the Reference Court relating to compensation for injurious affection to rails and sleepers, was reversed by the High Court. As a consequence, the award of the Reference Court granting compensation for rails and sleepers shall stand restored. In respect of all other claims, the impugned judgment is not interfered with.	
38.	**Special Land Acquisition Officer and Ors. vs. N. Savitha** **(22.03.2022 - SC) : (2022)7SCC256** The Supreme Court observed that a consent award cannot be the basis to determine the compensation in other acquisition more particularly, when there are other evidences on record. In case of a consent award, one is required to consider the circumstances under which the consent award was passed and the parties agreed to accept the compensation at a particular rate. In a given case, due to urgent requirement, the acquiring body and/or the beneficiary of the acquisition may agree to give a particular compensation. There may be different market prices/compensation with respect to different lands, may be in the same village and/or nearby location. The land, which is on a prime location and which is on the highway and/or at a proximity to a highway may have a different market price than the land which is situated in a different location/interior of the village and which might not have a good potential for development.	**618**
39.	**Kazi Moinuddin Kazi Bashiroddin and Ors. vs. The Maharashtra Tourism Development Corporation through its Senior Regional Manager and Ors.** **(30.09.2022 - SC) : MANU/SC/1270/2022** When the matter relates to the payment of amount of compensation to the land losers, if at all two views are possible, the view that advances the cause of justice is always to be preferred rather than the other view, which may draw its strength only from technicalities.	**621**
40.	**Shankarrao Bhagwantrao Patil and Ors. vs. The State of Maharashtra** **AIR 2021 SC 4962** Land Acquisition - Award of compensation - Reference Court's award reduced by impugned findings of the High Court - Reasonability thereof under challenge -	**630**

	Whether Appellants entitled to enhanced compensation in view of the development activity by virtue of possession of land delivered to the State? Facts: The present appeals were filed to challenge impugned finding of the High Court reducing the compensation awarded by the Reference Court. Landowners dissatisfied with the amount of compensation had sought reference. The land owners relied upon two sale deeds. The Reference Court calculated the rate of the sale price and determined compensation. However, the High Court in further appeals filed by the State and the land owners dismissed the appeal of the land owners for enhancement and also reduced the compensation. The High Court found that the sale instances were in respect of the land but in fact the houses were constructed thereon therefore, the sale deed includes the cost of construction of the house, the such cost has to be reduced. Held, while disposing of the Appeal: Order of the learned Reference Court is justified in law whereas the High Court has reduced the compensation drastically without any reasonable basis. Therefore, the Appellant entitled to compensation at the rate of Rs. 70/- per square feet from the date of the award by the Land Acquisition Collector. Apart from statutory benefits, such compensation has been arrived at keeping in view the development activity that has already taken place by the virtue of possession of the acquired land delivered to the State. There is no evidence that such land was being put to use by the landowners even prior to the taking of possession by the State. But the fact remains that the possession has been taken without payment of compensation depriving the landowners of the right to use land. Appeals disposed of as directed.	
41.	**U.P. Awas Evam Vikash Parishad v. Asha Ram (Dead) Through. LRs & Others** **2021 SCC OnLine SC 250** Appeals arise out of an order passed by the Division Bench of the High Court of Judicature at Allahabad – U.P. Awas Evam Vikas Parishad - Uttar Pradesh Awas Evam Vikas Parishad Adhiniyam, 1965 - Determination of compensation – Held - The potentiality of the acquired land is one of the primary factors to be taken into consideration to determine the market value of the land. Potentiality refers to the capacity or possibility for changing or developing into the state of actuality. The market value of a property has to be determined while having due regard to its existing conditions with all the existing advantages and its potential possibility when led out in its most advantageous manner. The question whether a land has potential value or not primarily depends upon its condition, situation, use to which it is put or its reasonable capability of being put and also its proximity to residential, commercial	**637**

	or industrial areas/institutions. The existing amenities like water, electricity as well as the possibility of their further extension, for instance whether near about town is developing or has prospects of development have to be taken into consideration. It also depends upon the connectivity and the overall development of the area. The compensation determined on the basis of a notification five years later cannot be a yardstick for determining compensation of the land which is subject matter of present acquisition years earlier. Still further, the High Court was not justified in observing that gaps of few years in the notification have been ignored by this Court. In fact, on the contrary, the High Court has failed to note that the date of notification for the acquisition of land for the benefit of Parishad is five years earlier than those in the judgments relied upon by the High Court. The market value as determined by the High Court cannot be sustained either on the basis of the sale deeds, or on the strength of judicial orders. There is no justification of enhancement of compensation awarded by the Reference Court i.e. Rs. 120/- per square yard. The order passed by the High Court in the appeals preferred by the land owners is set aside and the compensation awarded by the Reference Court @ Rs. 120/- per square yard apart from statutory benefits is restored.	
42.	**R.B. Dealers (P) Ltd. v. Metro Railway, Kolkata** **(2019) 20 SCC 658** Lands acquired for the purpose of construction of the Metro railway a under the provisions of the Metro Railways (Construction of Works) Act, 1978 - Compensation to be determined under the provisions of the 2013 Act - whether the solatium as contemplated under sub-section (1) of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has to be calculated only on the market value and assets or the sum total of the market value, the assets and additional 12% p.a. on the market value stipulated under sub-section (3) of Section 30 of the 2013 Act? – Held - High Court has rightly observed and held that the solatium amount to be determined and calculated under sub-section (1) of Section 30 of the 2013 Act shall be equivalent to 100% of the market value determined under Section 26 of the Act plus the value of all assets attached to the land i.e. the total amount of the compensation and shall not include an amount calculated at the rate of 12% p.a. on such market value payable under sub-section (3) of Section 30 of the 2013 Act. The solatium as contemplated under sub-section (1) of Section 30 of the 2013 Act has to be calculated only on the market value plus the value of the assets attached to the land i.e. total compensation amount as determined as per Sections 26, 27 and 28 of the 2013 Act which shall not include the additional amount at the rate of 12% p.a. on such market value as payable under sub-section (3) of Section 30 of the 2013 Act. Both these special leave petitions fail and deserve to be dismissed and are accordingly dismissed.	**651**

43.	**State of M.P. v. Narmada Bachao Andolan** **(2011) 7 SCC 639**	**659**

Establishment of Omkareshwar Dam on Narmada River in Madhya Pradesh - Appeals against interim orders passed by the High Court – Rehabilitation and resettlement policy for the oustees of all the Narmada projects - Policy provided for the allotment of a minimum of 2 ha of agricultural land; irrigation facilities at government cost; grant-in-aid for small and marginal farmers and SC/ST families and to meet the entire cost of the allotted land. Allotment of agricultural land to the displaced persons in lieu of the land acquired for construction of the dam in terms of the Rehabilitation and Resettlement Policy – Held - Our Constitution requires removal of economic inequalities and provides for provision of facilities and opportunities for a decent standard of living and protection of economic interests of the weaker segments of the society and in particular Scheduled Castes and Scheduled Tribes. Every human being has a right to improve his standard of living. Ensuring people are better off is the principle of socio-economic justice which every State is under an obligation to fulfil, in view of the provisions contained in Articles 37, 38, 39(a), (b), (e), (f), 41, 43, 46 and 47 of the Constitution of India.

Compensation in the present context has to be understood in relation to the right to property. The right of the oustee is protected only to a limited extent as enunciated in Article 300-A of the Constitution of India. The tenure-holder is deprived of the property only to the extent of land actually owned and possessed by him. This is, therefore, limited to the physical area of the property and this area cannot get expanded or reduced by any fictional definition of the word “family” when it comes to awarding compensation. Compensation is awarded by the authority of law under Article 300-A of the Constitution read with the relevant statutory law of compensation under any law made by the legislature and for the time being in force, only for the area acquired.

Rehabilitation is restoration of the status of something lost, displaced or even otherwise a grant to secure a dignified mode of life to a person who has nothing to sustain himself. This concept, as against compensation and property under Article 300-A, brings within its fold the presence of the elements of Article 21 of the Constitution of India. Those who have been rendered destitute, have to be assured a permanent source of basic livelihood to sustain themselves. This becomes necessary for the State when it relates to the rehabilitation of the already depressed classes like Scheduled Castes, Scheduled Tribes and marginal farmers in order to meet the requirements of social justice. The rehabilitation has to be done to the extent of the displacement. The rehabilitation is compensatory in nature with a view to ensure that the oustee and his family are at least restored to the status that was existing on the date of the commencement of the proceedings under the 1894 Act. There was no intention on behalf of the State to have awarded more land treating a major son to be a separate unit. This would otherwise bring about an anomaly, as is evident from the

	chart that has been gainfully reproduced hereinabove. The idea of rehabilitation was, therefore, not to distribute largesse of the State that may reflect distribution totally disproportionate to the extent of the land acquired. The State has, therefore, rightly resisted this demand of the writ petitioners and, in our opinion, for the High Court to presuppose or assume a separate unit for each major son far above the land acquired, was neither justified nor legally sustainable. Direction given by the High Court is modified to the extent that the displaced families who have not withdrawn SRG benefits/compensation voluntarily and submitted applications for allotment of land before the authority concerned, shall be entitled to the allotment of agricultural land "as far as possible" in terms of the R&R Policy, and for that purpose, the appellants must make some government or private land available for allotment to such oustees if they opt for such land and agree to ensure compliance with other terms and conditions stipulated therein. In case suitable land is available in the land bank, the same would be offered to such oustees. In case, dispute of suitability of land is raised, it would be adjudicated upon and determined by GRA. The authorities must render all possible assistance to the oustees to purchase the land by negotiations. In case the land is not available as mentioned hereinabove, the State must ensure compliance with Clause 5.4 of the R&R Policy to the full extent in the cases of the Scheduled Castes/Scheduled Tribes and to the extent of 2 ha in case of other marginal farmers. In case the extent of the land acquired is more than 8 ha, the same shall be paid according to the provisions contained therein. The Government must continue to search for additional land than what is already available in the land bank and to find out the means of its purchase for allotment to the oustees. The Government should also ensure that the allocated land is not encroached upon by the unscrupulous persons.	
44.	**Mahanadi Coalfields Ltd. v. Mathias Oram** **(2010) 11 SCC 269** SLP against the judgment and order passed by the Orissa High Court – Determination and payment of the compensation – Held – Setting up of Claims Commission - The Commission shall prepare its report as envisaged in the scheme, first in respect of the lands in Village Gopalpur, District Sundergarh, Orissa, as soon as possible and in any event not later than four months from today. In case the Commission recommends denotification/release of any portion of the lands earlier acquired, it would also determine the rate or the amount of compensation/mesne profit payable to the landholder. The Commission shall submit its report not to the Central Government but to this Court for approval and further directions. Any denotification/release of the land would be only subject to further orders passed by this Court in light of the Commission's report. The Commission may proceed with the survey in relation to the acquired lands in other villages, as suggested in Para 9 of the scheme only after submitting its report in respect of Village Gopalpur and subject to further orders by	**734**

	this Court. The officers of the State Government and the Coal Company shall extend full help and cooperation to the Commission in preparing the report and in the discharge of their duties in terms of the scheme.	
45.	**SAIL v. Sutni Sangam** **(2009) 16 SCC 1** Establishment of a steel plant at Salem - 3651 acres of land was acquired - Notification under Section 4(1) of the Land Acquisition Act, 1894 was issued in the year 1964 - declaration under Section 6 was published in 1969 - Some of the landowners, not satisfied with the amount of compensation filed applications for reference to the Land Acquisition Court in terms of Section 18 of the Act - References to the civil court were made - Some landowners not accepted the amount of compensation - Rejected by the Land Acquisition Officer - Respondent Association filed a writ petition before the High Court - Single Judge of the said Court allowed the writ application - Intra-court appeals was dismissed – Held – Those who received compensation without any protest keeping in view the second proviso appended to Section 31 must be held to have expressed no reservation in regard thereto whatsoever. Objections, however, appeared to have been filed in printed forms contending that all awards should be subject to objections and payments would be received on protest. Raising of such an objection in response to a notice under Section 9 of the Act, in our opinion, cannot have the same effect as if an application has been filed for reference under Section 18 of the Act. No form of protest, as indicated hereinbefore, is prescribed under the Act. No form of application in writing has also been prescribed. In a given case, keeping in view the object and purport the statute seeks to achieve, a Collector being a statutory authority and having the jurisdiction to make a reference can waive the same. We may consider it from another angle. Had a reference been made pursuant to the request made by the awardees, could it be held to be wholly illegal or without jurisdiction only because the protest made in regard to the quantum of compensation under the award is oral and not in writing? The answer to the said question must be rendered in the negative. The form, mode and manner of protest are procedural in nature. The statute does not provide for a thing to be done in a particular manner. A substantive provision providing for substantive right or a statutory provision providing for a substantive right shall prevail over the procedural aspect of the matter. In a situation of this nature, therefore, the Land Acquisition Collector could have been, having regard to the principles of promissory estoppel, held bound to fulfil his promise. Appeal preferred by M/s Steel Authority of India Ltd. is allowed.	**744**
46.	**N.D. Jayal v. Union of India** **(2004) 9 SCC 362** Petition under Article 32 of the Constitution of India connected to the safety and environmental aspects of the Tehri Dam – Held - Courts have a duty to see that in the undertaking of a decision, no law is violated and people's fundamental rights as	**778**

guaranteed under the Constitution are not transgressed upon except to the extent permissible under the Constitution. When a law has been enacted in relation to the protection of environment and such law is being given effect to and there is no challenge to such law, the duty of the courts would be to see that the Government and other respondents act in accordance with law and there is no other obligation for the court to examine further in the matter.

Rehabilitation is not only about providing just food, clothes or shelter. It is also about extending support to rebuild livelihood by ensuring necessary amenities of life. Rehabilitation of the oustees is a logical corollary of Article 21. The oustees should be in a better position to lead a decent life and earn livelihood in the rehabilitated locations. The overarching projected benefits from the dam should not be counted as an alibi to deprive the fundamental rights of oustees. They should be rehabilitated as soon as they are uprooted. And none of them should be allowed to wait for rehabilitation. The authorities concerned will have to take proper steps to rehabilitate all those who are entitled to rehabilitation before six months of the impoundment. Without the completion of rehabilitation there shall not be any impoundment.

Directions to the respondents who represent various Ministries and Departments of the Central and State Governments as also the Corporation to which the project has been entrusted for implementation:

(1) The Central Government in terms of the recommendations of Expert Committee for Environmental-Impact Assessment as contained in Schedule III of the notification dated 27-1-1994 issued in exercise of powers under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 read with clause (f) [sic (a)] of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 shall constitute a Committee of experts and representatives of NGOs (if not already constituted) for the purpose of investigating, ascertaining and reporting whether the pari passu conditions laid down in the environmental clearance of the project have been fulfilled or not by the authorities of the project. The aforesaid Committee will inspect and report on the status of the work to the Central Government every three months and in case the conditions, as laid down in the clearance, are not fulfilled, recommend remedial or corrective measures/actions.

(2) To take care of the safety aspect, until 3-D non-linear analysis and dam-break analysis are completed as recommended by the Committee on Safety and the result assessed by the aforesaid Expert Committee is submitted to the Central Government, diversion tunnels T-1/T-2 for impoundment of the reservoir shall not be closed.

(3) The Expert Committee for Environmental-Impact Assessment constituted under Schedule III of the notification dated 27-1-1994 will also look into and submit status report on the progress of resettlement and rehabilitation measures. There will be no impoundment of the reservoir until resettlement and rehabilitation work is fully completed in all respects.

(4) An effective grievance redressal cell headed by an independent expert in the field

	of Social Science shall be set up by the State Government with the help of the Central Government for solving rehabilitation and resettlement problems of the oustees of the project. The grievance redressal cell shall submit its status report every three months to the Expert Committee constituted under Schedule III of the notification.	
47.	**Hansraj H. Jain vs. State of Maharashtra and Ors.** **(1993) 3 SCC 634** The acquisition proceedings have to be concluded within the prescribed limitation under the Act, as notification under Section 4 of the Act cannot be issued with the sole intention to peg down the prices for acquisition in remote future, therefore, causing loss and injury to the affected land owners. In view of the history of legislation in the context of compensation to the owner after the legislature has stepped in prescribing a sort of period of limitation, it was not necessary to go in search of a further fetter on the power of the Government by raising the question of delay by implication. We, therefore, hold that acquisition proceedings completed within the time frame under Section 11A cannot be negatived on the ground of inordinate delay. We may only add here that we have not accepted the contention of the petitioners that the acquisition proceedings were initially tainted with malafide and deliberate laches and negligence thereby rendering such proceedings invalid before the amendment of the Act by incorporating Section 11A. Hence, the contention that the proceedings which had already come invalid could not be validated by resorting to Section 11A of the Land Acquisition Act cannot be accepted. The authorities are directed to offer the alternative site as per the scheme framed in 1976 referred to hereinbefore to the affected land owners on the basis of the actual cost of development by charging the cost of the acquisition and the development charges and no more. Such direction, we feel, is required to be made particularly in view of the fact that acquisition proceedings had been pending for a number of years, as a result of which the amount of compensation for the acquisition being referable to the period when notices under Section 4 of the Land Acquisition Act were issued, became insignificant and it is reasonably apprehended that unless the land by way of alternative site as per the scheme is offered to the affected land owners at a subsidised rate as indicated hereinbefore, it will not be possible for the land owners to take such allotment by paying usual prices intended to be changed from them and the offer of alternative site will for all practical purposes be illusory	**837**
48.	**G. Ramegowda v. Spl. Land Acquisition Officer** **(1988) 2 SCC 142** Appeals against judgment of the High Court of Mysore (Karnataka) condoning, under Section 5 of the Limitation Act, 1963, certain delays on the part of the Land Acquisition Officer – Enhancement of compensation – Held - Government could and	**849**

	ought to have moved with greater diligence and dispatch consistent with the urgency of the situation. The conduct of Government was perilously close to such inaction as might, perhaps, have justified rejection of its prayer for condonation. But as is implicit in the reasoning of the High Court, the unarticulated thought, perhaps was that in the interest of keeping the stream of justice pure and clean the awards under appeal should not be permitted to assume finality without an examination of their merits. The High Court noticed that the Government Pleader who was in office till December 15, 1970 had applied for certified copies on July 20, 1970, but the application was allowed to be dismissed for default. Appeals are dismissed.	
49.	**Santosh Kumar and Ors. vs. Central Warehousing Corporation and Ors.** **AIR1986 SC 1164** Property - Reduction - Section 18 of Land Acquisition Act, 1984 - High Court set aside awards passed by Collector and determined compensation at reduced rate on ground that amount awarded was excessive and that too not at instance of Government but at instance of Corporation at whose request acquisition was made - Hence, this Appeal - Whether, Compensation granted to Appellant was correctly reduce - Held, when Section 50(2) expressly bars company or local authority at whose instance acquisition was made from demanding reference under Section 18 of Act - However, Company or Local authority might be allowed to adduce evidence before Collector, and when Section 25 expressly prohibits Court from reducing amount of compensation while dealing with reference under Section 18 of Act - It was not permissible for company or local authority to invoke jurisdiction of High Court under Article 226 to challenge amount of compensation awarded by Collector and to have it reduced - Court shall be prohibited from reducing amount of compensation while dealing with reference case - Thus, High Court made error by reducing compensation - Appeal allowed.	**857**
50.	**Collector (Land Acquisition) v. Katiji** **(1987) 2 SCC 107 at page 107** Appeal by the State of Jammu & Kashmir arising out of a decision enhancing compensation in respect of acquisition of lands for a public purpose to the extent of nearly 14 lakhs rupees by making an upward revision of the order of 800 per cent (from Rs 1000 per kanal to Rs 8000 per kanal) - Dismissed as time barred being 4 days beyond time by rejecting an application for condonation of delay. Held - The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on ”merits”. The expression “sufficient cause” employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice. In any event, the State which represents the collective cause of the community, does not deserve a litigant-non-grata status. The courts therefore have to be informed with the spirit and	**861**

	philosophy of the provision in the course of the interpretation of the expression "sufficient cause". So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even-handed justice on merits in preference to the approach which scuttles a decision on merits. Turning to the facts of the matter giving rise to the present appeal, we are satisfied that sufficient cause exists for the delay. The order of the High Court dismissing the appeal before it as time-barred, is therefore, set aside. Delay is condoned. And the matter is remitted to the High Court.	
51.	**IN THE HIGH COURT OF PATNA** **The Union of India, Ministry of Defence, Government of India vs. Arjun Yadav and Ors.** **MANU/BH/0604/2019** **Letters Patent Appeal No. 418 of 2018 in Civil Writ Jurisdiction Case No. 20058 of 2012** Ministry of Defence, Government of India - Setting up of an Ordnance Factory at Rajgir, District-Nalanda, Bihar - Acquisition process was set into motion - Notification under Sections 4 & 6 of the Land Acquisition Act, 1894 - Acquisition of 50 acres of land for rehabilitation of the displaced persons on the land that was acquired for the Ordinance Factory - Reference under Section 30 of the 1894 Act - Application under Section 18 of the 1894 Act - Appeal by the Union of India against judgment dated 7th of May, 2014 - Section 64 of the 2013 Act - Union of India was not made a party - Considerably enhancing the amount of compensation applying the rates as per the new Act- Whether the judgment of the Single Judge is sustainable – Whether award dated 12th June, 2001 was a purported award. Held - Learned Single Judge was not justified at all in allowing the writ petition without the impleadment of the Union of India - The delay cannot be stated to be deliberate or any culpable negligence on the part of the appellant - Delay deserves to be condoned in entertaining this appeal - appellant cannot be said to have suppressed any material fact - The branding of the interest of the appellant as only a commercial interest by the respondent-petitioners is not at all justified because this interest is not a pure commercial interest but a vital public interest involving a huge exchequer of the tax payers money where the Union of India sought to be saddled with compensation 80 times more than what was awarded. For all this, the appellant is a person interested and, therefore, a proper and necessary party. The impugned judgment, therefore, deserves to be set aside on this ground alone that it was passed ex parte to the appellant - Appellants had both actual and constructive knowledge about the contents of the award dates 12th June 2001 which was an award under Section 11 of the 1894 Act - The conclusion drawn by the learned Single that it was a purported award does not appeal to reason at all, inasmuch as, if the award was even otherwise deficient in any way, the same had not been challenged within time as per the law laid down in the case of Bhagwan Das - The learned Single Judge went beyond the aforesaid scope of the proceedings and went on to hold that the award was not a valid award in the eyes of law and was a purported award and then directed the	**864**

	authorities to proceed afresh which was taken by the authorities to be a proceeding available under Section 64 of the 2013 Act. We do not agree with the said process adopted by the respondent authorities by taking recourse to Section 64 of the 2013 Act and, therefore, all consequential actions culminating into a fresh award are a nullity as the impunged judgment of the learned Single Judge is clearly vitiated and deserves to be set aside. Since the proceedings are an outcome of the impugned judgment which is being set aside, the conclusion is that the proceedings for fresh award are a nullity. We accordingly, hold so. We accordingly allow this appeal and set aside the impugned judgment of the learned Single dated 07.05.2014 and uphold the order of the Collector dated 15th July. We also declare all consequential proceedings undertaken by the respondent authorities and Court pursuant to the judgment dated 7.5.2014 to be a nullity.	
Session- 4 Continuity and Lapse of Acquisition Proceedings		
52.	**Govt. of NCT of Delhi Through the Secretary, Land and Building Department and Another vs. K.L. Rathi Steels Limited and Others 2023 SCC OnLine SC 288** **Justice M.R. Shah** Applications under Article 137 of the Constitution of India r/w Section 47 of the Civil Procedure Code (CPC) have been preferred by the Government of NCT of Delhi and Delhi Development Authority to review and recall the orders passed in the respective Civil Appeals in dismissing/disposing off the same and to restore the same to their original files to consider the same on merits - Decision in the case of Pune Municipal Corporation was relied upon while dismissing/disposing off all the respective appeals has been specifically overruled by a Constitution Bench of this Court in the case of Indore Development Authority v. Manohar Lal, (2020) 8 SCC 129. Thus, the Constitution Bench of this Court in the aforesaid decision has not only observed that the decision rendered in Pune Municipal Corporation (supra) is overruled but has also specifically observed that all other decisions in which Pune Municipal Corporation (supra) has been followed, are also overruled. In view of the above and for the reasons stated above, all these review/recall applications are allowed. The orders passed in the respective Civil Appeals are hereby recalled and the respective Civil Appeals are hereby ordered to be restored to their original file. Let the said Civil Appeals be considered in accordance with law and on their own merits and in light of the decision in the case of Indore Development Authority v. Manohar Lal (supra). All the defences and/or contentions which may be available to the respective parties are kept open including the possession and neither I have entered into the questions on merits nor expressed anything on merits in favour of either of the parties. **Justice B.V. Nagarathna** In Indore Development Authority v. Shailendra , a majority of two Hon'ble Judges in	**895**

	paragraph 217 while opining that, the judgment rendered in Pune Municipal Corporation and other decisions following Pune Municipal Corporation are per incuriam observed that the "decisions rendered on the basis of Pune Municipal Corporation are open to be reviewed in appropriate cases on the basis of this decision". However, the Larger Bench in Indore Development Authority did not observe the above, either in paragraph 365 of the judgment or any other paragraph. In paragraph 365 of the said judgment or in any other paragraph, there is no observation that on overruling the decision in Pune Municipal Corporation as well as all decisions following Pune Municipal Corporation, the overruled decisions have to be reviewed. The said observation is conspicuous by its absence obviously for the reason that such a review is impermissible having regard to the Explanation to Order XLVII Rule 1 CPC which aspect has been elaborately discussed above. In fact, the Explanation to Order XLVII Rule 1 CPC has not been noticed by the two learned Judges constituting the majority in Indore Development Authority v. Shailendra. In the circumstances, the only relief that can be granted to the review petitioners/applicants is to extend the period for initiation of acquisition under the provisions of L.A. Act, 2013 to a period of one year from today. Till then, in those cases where physical possession of the land has already been taken over by the acquiring body or has been handed over to the beneficiary the same shall continue to remain with the acquiring body or the beneficiary, as the case may be. Thus, only a limited relief is being given to the review petitioners/applicants and impugned judgments/orders of this Court are not being reviewed in the review petitions. There is a delay in filing the same in certain cases. This is owing to the passage of time from the date of passing the judgments/orders sought to be reviewed and the uncertainty in the interpretation of Section 24 (2) of L.A. Act, 2013 and due to Covid-19 and one year time being granted to initiate fresh acquisition, in the impugned order itself. Hence, the said delay is condoned. Where no such direction has been issued in the impugned orders and the Special Leave Petitions have been dismissed, the petitioners are at liberty to initiate fresh acquisition proceedings under the L.A. Act, 2013, if so advised.	
53.	**Govt. of NCT of Delhi vs. Sunil Jain and Ors. (13.01.2023 - SC) : MANU/SC/0028/2023** Supreme Court held that delay in taking possession of land because of a pending litigation does not entitle the original owner of the land the benefit of lapse under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.	**940**
54.	**Government of NCT of Delhi Through Its Secretary and Ors. vs. Om Prakash and Ors. (06.01.2022 - SC Order) : MANU/SCOR/04711/2022** Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Section 13(2) - Land Acquisition Act, 1894; Section 48 :	**944**

	Once the High Court has passed an order of lapsing of the acquisition proceedings by virtue of Section 24(2) of the Act, the land owners cannot revert back on the plea raised that they are entitled to seek release of land in terms of Section 48 of the Land Acquisition Act, 1894 since repealed. The liberty is reserved with the State Government to withdraw from the acquisition of any land of which possession has not been taken. Section 48 of the erstwhile Land Acquisition Act does not confer any right with a landowner to seek withdrawal from the acquisition from the State Government.	
55.	**Haryana State Industrial and Infrastructure Development Corporation Ltd. and Ors. vs. Deepak Aggarwal and Ors. (28.07.2022 - SC) : MANU/SC/0935/2022** Land Acquisition - Meaning and Interpretation - "Initiated" - Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act) with reference to proceedings under Land Acquisition Act, 1894 (LA Act) - Whether for the purposes of Section 24(1) of the 2013 Act, proceedings under LA Act be treated as initiated on publication of a notification under Section 4(1) of the LA Act? Facts: The issue that arose for consideration was to determine whether issuance and publication of a Notification under Section 4(1) of the LA Actalone would amount to initiation of acquisition proceedings. On the contrary, there was other contention raised that it is the declaration that land is required for a public purpose under Section 6(1) of the LA Act that would mark the point of initiation of acquisition proceedings. There are differing views of different High Courts. Held, while disposing Petition for listing before appropriate Bench: Section 4(2) would reveal that besides entering upon and surveying and taking levels of any land in the locality concerned, the officer authorised by the Government through theNotification is also empowered to dig or bore into the sub-soil, to do all other acts necessary to ascertain whether the land is adapted for all purposes; to set out the boundaries of the land proposed to be taken and the intended line of work (if any) proposed to be made thereon; to mark such levels, boundaries and line by placing marks and cutting trenches and such other activities mentioned under Sub-section (2) thereof. In such circumstances, the fact is that it is the issuance and publication of Section 4(1) notification that will empower the authorised officer and workmen to enter into and do such permissible acts and activities. A vital defect in the Section 4(1) notification under the LA Act cannot be cured by issuing and publishing a declaration Under Section 6 of the L.A. Act and in such circumstances, it would entail annulment of both the notifications and also the	**948**

	acquisition proceedings. All the aforesaid aspects would reveal that issuance and publication of a valid Section 4(1) Notification, was the foundation for acquisition of land in any locality under the L.A. Act. All the above reasons will fortify conclusion and justify the rejection of the contention that Section 4(1) notification is nothing but a mere formality and got no real relevance or importance in the process of land acquisition under the L.A. Act. To conclude, for the purposes of Sub-section (1) of Section 24 of the 2013 Act, the proceedings under the L.A. Act shall be treated as initiated on publication of a notification Under Sub-section (1) of Section 4 of the L.A. Act. When Clause (a) of Sub-section (1) of Section 24 of the 2013 Act is applicable, the proceedings shall continue as per the L.A. Act. However, only for the determination of compensation amount, the provisions of the 2013 Act shall be applied. Other issues are also involved in the captioned appeals besides the common questions and issues, answered in this judgment. Hence taking note of involvement of other legal and factual issues in these appeals shall be listed before appropriate Bench for disposal on their own merits.	
56.	**Faizabad-Ayodhya Development Authority vs. Rajesh Kumar Pandey and Ors. (20.05.2022 - SC) : AIR 2022 SC 2558** Land Acquisition - Compensation - Determination thereof - Section 11 of the Land Acquisition Act, 1894 (Act, 1894)- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act, 2013) - No award passed under Act, 1894 on the date Act, 2013 came into force - High Court vide impugned judgment directed development authorities to compensate original land owners as per Act, 2013 - Hence the present appeal - Whether High Court erred in directing development authorities to compensate in terms of Act, 2013? Facts: In the present case the issue arose for determination was as to whether a case where an award under Section 11 of the Land Acquisition Act, 1894 could not be declared by the Authority due to the pendency of the writ petition and/or the interim stay granted by the High Court, which was filed by the landowners and consequently as on the date on which Act, 2013 came into force, there was no award declared Under Section 11 of the Act, 1894, the original landowners would be entitled to compensation determined Under Sub-section (1) of Section 24 of the Act, 2013. The High Court directed compensation to be as per Act, 2013. Hence the present appeal. Held, while allowing the Appeal: The acquiring authority cannot be burdened with the determination of compensation	**961**

	under the provisions of the Act, 2013. Land owner cannot, on the one hand, assail the acquisition and seek interim orders restraining the authorities from proceeding further in the acquisition, and on the other hand, contend that since no award has been made Under Section 11 of Act, 1894 on 01.01.2014, the provisions of the Act, 2013 should be made applicable in determining the compensation. Whether due to the interim stay granted by the Court and the authority not declaring the award Under Section 11 of the Act, 1894 and the interim stay being continued at the time when the Act, 2013 came to be enforced, such litigants, who have benefitted from the interim order can be permitted to take the advantage of the same and thereafter pray that in such a situation, they shall be paid compensation as per the new Act, 2013? If Respondents herein, who litigated and obtained the stay order are now to be paid the compensation under the Act, 2013 on the ground that so far as they are concerned, the award has not been declared as on the date on which the Act, 2013 has been enforced, in that case, there would be two different amounts of compensation with respect to the landowners under the same notification and that would lead to discrimination amongst the landowners whose lands have been acquired under the same notification, which would never have been the intention of the Parliament. If at the instance of a landowner, who has challenged the acquisition, an interim order has been passed by a Court is successful then the proceeding of acquisition or the acquisition notification would be quashed. Then there would be no occasion to determine any compensation. But on the other hand, if a landowner, who has the benefit of an interim order in his favour whilst a challenge is made to the acquisition, is unsuccessful, he cannot then contend that he must be paid compensation under the provision of the Act, 2013 on its enforcement, whereas a landowner, who did not have the benefit of any interim order is paid compensation determined under the provisions of the Act, 1894, which is lesser than what would be computed under the Act, 2013. In a case where on the date of commencement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, no award has been declared Under Section 11 of the Act, 1894, due to the pendency of any proceedings and/or the interim stay granted by the Court, such landowners shall not be entitled to the compensation Under Section 24(1) of the Act, 2013 and they shall be entitled to the compensation only under the Act, 1894. Impugned judgment(s) and order(s) passed by the High Court are quashed and set aside. Appeals allowed.	
57.	**Delhi Development Authority vs. Godfrey Phillips (I) Ltd. and Ors.,** **AIR 2022 SC 2282** Land Acquisition - Lapsing of Proceedings - Acquisition proceedings initiated under Land Acquisition Act, 1894 declared lapsed - Section 24(2) of the Right to Fair	**998**

	Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act) - Whether the impugned order rightly held acquisition proceedings to have lapsed? Facts: The challenge in the present appeal was to an order whereby the writ petition filed by Respondent No. 1 was allowed and the proceedings initiated under the Land Acquisition Act, 1894were declared to have lapsed in terms of Section 24(2) of the 2013 Act. The process of acquisition was challenged in number of writ petitions filed earlier. The original land owners in the instant matter had entered into agreement to sell for the concerned land. The subsequent issues raised were the rights of purchaser over the subject lands, when impugned order held acquisition proceedings initiated earlier stood lapsed. Hence the present appeal. Held, while allowing the Appeal: The purchaser has purchased the property knowing fully well that the vendor has not disputed the acquisition proceedings. But on the basis of an order passed in Balbir Singh, it was conveyed and accepted by the purchaser, that the acquisition stands quashed and original land owner was in possession of the land. Since Sudan Singh, affirming the order in Balbir Singh has not been approved by this Court in the three judgments referred hereinabove (Abhey Ram, Gurdip Singh Uban-I and Gurdip Singh Uban-II), no right would accrue to the original land owner or the purchaser. The High Court in the impugned order has not noticed any of the three judgments of this Court in Abhey Ram, Gurdip Singh Uban-I and Gurdip Singh Uban-II nullifying the effect of Balbir Singh and instead ordered the purchaser to deposit twice of the amount paid to the original land owner. The condition of payment of compensation in Balbir Singh by the land owners does not survive in view of the fact that such judgment has not been approved by this Court. In the present case, as per the purchaser itself, the possession of Part A land comprising in Khasra No. 384 (4-6), 385 (4-6) and 390 (4-6) total measuring 12 Bigha and 18 Biswa was taken by the Appellant and the compensation was paid. The deposit by the purchaser, either in terms of the impugned order or the order passed in Balbir Singh, is wholly inconsequential. The amount of compensation was paid on behalf of the Appellant. Therefore, the compensation of the acquired land paid by the Appellant cannot lead to lapsing of the acquisition in terms of Indore Development Authority. The purchaser in its written submissions had made no reference to the later judgments of this Court referred to above. The deposit in terms of the order of the High Court will not lead to lapsing of the acquisition proceedings, such orders being absolutely being illegal. Thus, in respect of Part A land, the purchaser cannot take shelter of the order, which had no legal value and stands nullified. Even otherwise, there could not be any direction to deposit the amount now after more	

	than 25 years. The right which has been lost due to passage of time cannot be revived by virtue of deposit of the amount subsequent to orders of the High Court. The purchaser had in fact filed a Writ of Mandamus for delivering the possession of the entire acquired land. Such claim of Mandamus shows that the purchaser is out of possession. Therefore, the condition in Indore Development Authority for lapsing of the acquisition is not satisfied. Therefore, as per the purchaser, the possession has been taken of the part of the land and compensation has been deposited in respect of the remaining land. Thus, the twin conditions as laid down by this Court are not satisfied. Even otherwise, the stand of the Appellant is that the possession of the entire land was taken on 14.7.1987 whereas possession of land measuring 12 Bigha 18 Biswa was handed over to it, whereas the possession of the remaining land measuring 15 Bigha 10 Biswa is with the Government of Delhi. Therefore, the purchaser is not entitled to any declaration of lapsing of acquisition proceedings inter alia on the ground that it has purchased the land after vesting of the land with the State and the possession has been taken of the land measuring 28 Bigha 8 Biswa and the compensation has also been deposited in respect of entire land, though the compensation in respect of land admeasuring 12 Bigha 18 Biswa was disbursed. The remaining amount of compensation was with the Land Acquisition Collector. Appeal thus allowed. The order passed by the High Court is set aside.	
58.	**Delhi Administration thr. Secretary, Land and Building Department and Ors. vs. Pawan Kumar and Ors.** **(2022)7SCC470** Land Acquisition - Proceedings declared lapsed - Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act) - Notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 - Appellant contended that since interim orders in respect of the same acquisition in other writ petitions were in operation, possession of the land could not have been taken over - Whether in such circumstances impugned finding declaring proceedings to have lapsed sustainable? Facts: The Respondent purchased land concerned. Original land owner filed Writ Petition challenging subject notifications which was dismissed.Review application filed subsequentlyon the ground that objections filed under Section 5A not considered also dismissed. High Court held that no details pertaining to objections being filed were provided. Thereafter, purchaser purchased the subject property.High Court declared acquisition proceedings as lapsed in view of the provisions of 2013Act. Hence the	**1018**

	present appeal. Held, while allowing the Appeal: Order of the High Court not sustainable. Respondent is a purchaser after the publication of notice under Sections 4 and 6 of the Act and in fact after the award of the Land Acquisition Collector. Therefore, for the reasons recorded in a separate judgment delivered today in the matter of ***Delhi Development Authority v. Godfrey Phillips (I) Ltd***., subsequent purchaser is not entitled to claim lapsing of the proceedings under the 2013 Act.	
59.	**Executive Engineer, Gosikhurd Project Ambadi, Bhandara, Maharashtra Vidarbha Irrigation Development Corporation vs. Mahesh A | LL 2021 SC 634, SLP(C) 13093-13094 OF 2018 | 10 November 2021** The Supreme Court has held that the 2 year period prescribed under the Land Acquisition Act 1894 for the lapse of land acquisition proceedings for not delivering the award will not apply to an award passed after the notification of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 The limitation period for passing/making of an award under Section 24(1)(a) of the Land Acquisition Act 2013 would commence from 1st January 2014, that is, the date when the 2013 Act came into force, the court observed. Under the new Act, the limitation period for lapse of the proceedings as per Section 25 is 12 months. Issue: To consider was whether the two-year period specified under Section 11A of the Land Acquisition Act, 1894 will apply even after the repeal of the 1894 Act, or the twelve-month period specified in Section 25 of the 2013 Act will apply for the awards made under clause (a) of Section 24(1) of the 2013 Act? 1. Section 11A of 1894 Act requires that an award under Section 11 must be passed within a period of two years from the date of publication of the declaration and if no award is so made, the proceedings for acquisition of land shall lapse. As per the explanation, the period during which any action or proceedings to be taken pursuant to the declaration is stayed by an order of a court is to be excluded while calculating the period of two years. 2. In this case, Clause (a) to Section 24(1) of the 2013 Act would apply as the land acquisition proceedings initiated under the 1894 Act had not culminated into an award till the repeal of the 1894 Act. Section 24(1)(a) partly nullifies the legal effect of savings under Section 6 of the General Clauses Act as it hybridizes application of the 1894 Act and the 2013 Act. While preserving validity of the acquisition proceedings by issue of declarations under the 1894 Act, it states that all the provisions for	**1023**

	determination of compensation under the 2013 Act shall apply. The section consciously saves the legal effect of the notifications issued under Section 4 and/or Section 6 of the 1894 Act and obviates the necessity to issue a fresh notification under the 2013 Act. This 'perseveration of the determination date' for the computation of compensation for the awards made under Section 24(1)(a) of the 2013 Act is a thought-through legislative invocation that curtails time delays and cost escalation of infrastructure projects, as well as checks the post-acquisition notification malpractices, and at the same time ensures that the landowners are entitled to the benefit of the enhanced compensation as per the 2013 Act. 4. Section 25 of the 2013 Act provides that the Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse.	
60.	**Indore Development Authority (LAPSE-5 J.) v. Manoharlal** **(2020) 8 SCC 129** Correct interpretation of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **Conclusions of the Court:** The decision rendered in Pune Municipal Corpn. [Pune Municipal Corpn. v. Harakchand Misirimal Solanki, (2014) 3 SCC 183] is hereby overruled and all other decisions in which Pune Municipal Corpn. [Pune Municipal Corpn. v. Harakchand Misirimal Solanki, (2014) 3 SCC 183 has been followed, are also overruled. The decision in Sree Balaji Nagar Residential Assn. [Sree Balaji Nagar Residential Assn. v. State of T.N., (2015) 3 SCC 353] cannot be said to be laying down good law, is overruled and other decisions following the same are also overruled. In Indore Development Authority v. Shailendra [Indore Development Authority v. Shailendra, (2018) 3 SCC 412] , the aspect with respect to the proviso to Section 24(2) and whether “or” has to be read as “nor” or as “and” was not placed for consideration. Therefore, that decision too cannot prevail, in the light of the discussion in the present judgment. 1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act. 2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.	Soft Copy

	3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse. 4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act. 5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act. 6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b). 7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2). 8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.	

	9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.	
61.	**Shiv Kumar v. Union of India** **(2019) 10 SCC 229** Acquisition of the land situated in the revenue estate of Village Pansali, Delhi, for the public purpose of the Rohini Residential Scheme under planned development of Delhi - Whether a purchaser of the property after issuance of notification under Section 4 of the Land Acquisition Act, 1894, can invoke the provisions contained in Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Held Division Bench in Manav Dharam Trust [State (NCT of Delhi) v. Manav Dharam Trust, (2017) 6 SCC 751] does not lay down the law correctly. Given the several binding precedents which are available and the provisions of the 2013 Act, we cannot follow the decision in Manav Dharam Trust [State (NCT of Delhi) v. Manav Dharam Trust, (2017) 6 SCC 751] and overrule it. No interference is called for in the judgment and order passed by the High Court. Accordingly, the appeal is dismissed.	**1064**
62.	**Land Acquisition Officer v. Anasuya Bai** **(2017) 3 SCC 313** Acquisition of lands for the purpose of developing the said lands as an industrial area - Notification under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 - Section 24(1) of the new LA Act, 2013 – Lapse of acquisition proceedings – No award passed after the final declaration - Whether the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, are applicable in the instant case when the land is acquired under the provisions of the KIAD Act? – Held - Following the aforesaid well-settled principles, this Court is of the opinion that there is no substance in the contention of the appellant that acquisition under the KIAD Act lapsed for alleged non-compliance with the provisions of Section 11-A of the said Act. For the reasons aforesaid, all the contentions of the appellant, being without any substance, fail and the appeal is dismissed. We are, therefore, of the opinion that the view taken by the learned Single Judge was correct in law which should not have been interfered with by the Division Bench in the impugned judgment [Anasuya Bai v. State of Karnataka, 2015 SCC OnLine Kar 2220] . It is significant to state that insofar as direction of the Single Judge is concerned that was accepted by the appellants herein, as the appellants did not challenge the same. It is the respondents which had filed the intra-court appeal. Thus, the appellants by their aforesaid conduct, are satisfied with the order of the learned	**1085**

	Single Judge in directing them to determine the compensation. We, thus, allow this appeal by setting aside the judgment [Anasuya Bai v. State of Karnataka, 2015 SCC OnLine Kar 2220] of the Division Bench and restore the direction passed [Anasuya Bai v. State of Karnataka, 2012 SCC OnLine Kar 9115] by the Single Judge with a direction to the appellant authorities to fix the compensation in accordance with the provisions of Section 29 of the KIAD Act. The said exercise shall be done as expeditiously as possible.	
63.	**Pune Municipal Corpn. v. Harakchand Misirimal Solanki** **(2014) 3 SCC 183** Lapse of land acquisition proceedings initiated under the Land Acquisition Act, 1894 - Meaning of the expression "compensation has not been paid" in Section 24(2) of the 2013 Act – Held - Award pertaining to the subject land has been made by the Special Land Acquisition Officer more than five years prior to the commencement of the 2013 Act. It is also admitted position that compensation so awarded has neither been paid to the landowners/persons interested nor deposited in the court. The deposit of compensation amount in the Government treasury is of no avail and cannot be held to be equivalent to compensation paid to the landowners/persons interested. We have, therefore, no hesitation in holding that the subject land acquisition proceedings shall be deemed to have lapsed under Section 24(2) of the 2013 Act. Under Section 24(2) land acquisition proceedings initiated under the 1894 Act, by legal fiction, are deemed to have lapsed where award has been made five years or more prior to the commencement of the 2013 Act and possession of the land is not taken or compensation has not been paid.	**1102**
64.	**Sree Balaji Nagar Residential Assn. v. State of T.N.** **(2015) 3 SCC 353** Scheme for development of a canal by name Madhavaram Left Flank Water Surplus Course - Whether the appellants' prayer deserves to be allowed in view of Section 24(2) of the 2013 Act or not – Held - Though there is lack of clarity on the issue whether compensation has been paid for majority of landholdings under acquisition or not, there is no dispute that physical possession of the lands belonging to the appellants under consideration in these appeals have not been taken by the State or any other authority on its behalf and more than five years have elapsed since the making of the award dated 30-11-2006, and 1-1-2014 when the 2013 Act came into force. Therefore, the conditions mentioned in Section 24(2) of the 2013 Act are satisfied for allowing the plea of the appellants that the land acquisition proceedings must be deemed to have lapsed in terms of Section 24(2) of the 2013 Act. The appeals are disposed of accordingly. It goes without saying that the Government of Tamil Nadu shall be free, if it so chooses to initiate proceedings of such land acquisition afresh in accordance with the provisions of the 2013 Act. In the facts and circumstances of the case there shall be no order as to costs.	**1110**

Session- 5
Adjudication of Offences & Penalties under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

65.	**65. Dhiraj Ambalal Patel vs. State of Gujarat (12.09.2019 - GUJHC) : MANU/GJ/1831/2019**	**1120**
	66. Kasiraju Seetharamaiah and Ors. vs. Union of India and Ors. (06.09.2019 - APHC) : MANU/AP/0380/2019	**1148**
	67. Panjabrao vs. The State of Maharashtra and Ors. (09.03.2015 - BOMHC) : MANU/MH/0419/2015	**1169**
	It is well settled that a statute is to be read as a whole and every clause of a statute has to be constructed with reference to the context and other clauses of the Act. Ordinarily, the intention of the legislature is what it states to be its intention by the words employed in the statute. The Act of 2013 as seen from the provisions thereof, gives very high weightage to the provisions relating to payment of compensation. Even it makes provision for penalty for contravention of the provisions of the said Act relation to payment of compensation or rehabilitation or resettlement. Section 85 of the said Act prescribes penalty by providing that if any person contravenes any of the provisions of the Act relating to payment of compensation etc., he shall be liable to punishment for six months which may extend to 3 years or with fine or with both. If the entire scheme of the Act of 2013 is considered then it becomes crystal clear that the said Act is a social welfare legislation enacted to benefit the land owners in the event of acquisition of their land by the State. It is not a statute dealing with fiscal matter or economic policy of the State such as hiking tax liability. As such the provisions of the Act of 2013 deserve liberal construction in favour of the subject. The Act of 2013 makes provision for minimum quantum of compensation payable to land holders and simultaneously it provides for various safeguards so that provisions for compensation payable under the Act should not be diluted by adopting any tactics. It is well settled that while construing a welfare statute, the Court is required to give such statute widest operation which its language permits. In the matter of Executive Engineer Southern Electricity Supply Company of Orissa Ltd. and another {27} Final 4274.14 wp.odt vs. Shri Seetaram Rice Mills reported in MANU/SC/1334/2011 : (2012) 2 SCC 108, it is held that the legislative history and objects are important aids in constructing provisions of a statute. Similarly, the statement of objects and reasons are also considered to be an internal aid while interpreting statute as laid down by the Honourable Supreme court in Devachand Builders and Contractors vs. Union of India and others reported in (2012) 1 SCC 101.	