

INDER SINGH AND ORS.
v.
UNION OF INDIA AND ANR.

NOVEMBER 2, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Requisitioning and Acquisition of Immovable Property Act, 1952/Rules.

S.8(b)/Rule 9(5)(i)—Landowners agreeing to receive compensation awarded—Executing ‘K’ form and accepting compensation without protest—Later on seeking appointment of Arbitrator—Held : Not entitled to.

The Land Acquisition Collector passed an award and the appellants had agreed to receive the compensation, executed ‘K’ form as per Rule 9(5)(i) of the Requisitioning and Acquisition of Immovable Property Rules and accepted the compensation without protest. Thereafter they preferred a writ petition before the High Court seeking appointment of an arbitrator under S.(8)(b) of the Requisitioning and Acquisition of Immovable property Act. The writ petition was dismissed. Hence this appeal.

Dismissing the appeal, this Court

HELD : The appellants having received the compensation under Form ‘K’ without protest, Rule 9(5)(i) of the Requisitioning and Acquisition of Immovable Property Rules would apply to them and they are not entitled under Section 8(b) of the Act appointment of an arbitrator. [738-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 10271 of 1995.

From the Judgment and Order dated 12.4.89 of the Punjab & Haryana High Court in C.W.P. No. 6274 of 1988.

Sanjay Sarin and Ashok Mathur for the Appellants.

N.N. Goswami, Ms. Anil Katiyar and Wasim Qadri for the Respondents.

The following Order of the Court was delivered :

A Leave granted.

The appellant had sought appointment of an arbitrator under Section 8(b) of the Requisitioning and Acquisition of Immovable Property Act, 1952. The High Court dismissed the writ petition on two grounds, namely, on delay as well as on merits. Thus this appeal by special leave.

B

The Land Acquisition Collector, the competent authority, had passed the award determining compensation at varied rates, namely, Rs. 5,000, Rs. 4,200 and Rs. 2001 in respect of three different belts of land. Thereupon, 22 persons including the appellants herein had agreed to receive the compensation and executed 'K' Form. Agreement as per Rule 9(5)(i) of the Rules made under the Act and accepted and compensation without protest. Section 8(b) of the Act requires appointment of arbitrator when there is no agreement between the parties reached on the compensation determined by the Land Acquisition Officer.

C

D

In view of the above circumstances, the appellants having received the compensation under Form 'K' without protest, Rule 9 (5) (i) would apply to them and they are not entitled under Section 8(b) of the Act for appointment of an arbitrator.

The appeal is accordingly dismissed. No costs.

E

G.N.

Appeal dismissed.