

SATYA-PAL AND ORS.  
v.  
THE STATE OF U.P. AND ORS.

NOVEMBER 26, 1996

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

*U.P. Avas Evam Vikas Parishad Adhiniyam, 1965 :*

*Land acquisition under the Adhiniyam—Applicability of Land Acquisition (Amendment) Act 68 of 1984—Held, the Land Acquisition Amendment Act 68 of 1984 has no application to the acquisition under the Adhiniyam—As a result, Section 11-A of the Land Acquisition Act, as amended by Act 68 of 1984, has no application—The notification under Adhiniyam similar to Section 4(1) and the declaration similar to Section 6 do not stand lapsed after the expiry of two years from the date the Amendment Act has come into force—Land Acquisition Officer directed to pass the award within a period of six weeks—If the award is not passed within that period, he should award interest on the amount awarded @ 18% from the date of the expiry of six weeks till the date of the deposit with him of the compensation by the requisitioning authority.*

*Gaurishankar Gaur v. State of U.P., [1994] 1 SCC 92, referred to.*

*U.P. Avas Evam Vikas Parishad, Lucknow v. Lata Awasthi, [1995] 3 SCC 573 and Ramesh Chandra Tiwari & Ors. v. U.P. Avas Evam Vikas Parishad, Lucknow, CA No. 1832/86 decided on 8.1.96, relied on.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 15399 of 1996.

From the Judgment and Order dated 1.11.95 of the Allahabad High Court in C.M.W.P. No. 30914 of 1995.

H.N. Salve, Sunil K. Jain, J.K. Bhatia and Manish Kumar for the Appellants.

M.N. Krishnamani, Jitender Mahapatra, P.K. Jain, Arvind Kr. Shukla and M.C. Dhingra for the Respondents.

A The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

B This appeal by special leave arises from the judgment and order of the Division Bench of the High Court of Allahabad, made on November 1, 1995 in W.P. No. 30914/95.

C The acquisition is under the U.P. Avas Evam Vikas Parishan Adhinyam, 1965 (for short, 'Adhinyam'). The controversy is whether the Land Acquisition (Amendment) Act 68 of 1984 would apply to the acquisition made under the Adhinyam. In *Gaurishankar Gaurv.State of U.P.*, [1994] (1) SCC 92, a Bench of two Judges of this Court, to which one of us, K. Ramaswamy, J., was a member, had considered the question. K. Ramaswamy, J. had held that this Adhinyam and the procedure prescribed therein vis-a-vis the Land Acquisition Act, 1894, (1 of 1894) by incorporation and, therefore, the Amendment Act does not apply to the acquisition under the Adhinyam. Hon'ble R.M. Sahai, J. had taken a different view on that matter. However, on merit both agreed for shifting of the date for payment of the compensation to the later date of declaration as under :

E "Though for different reasons, we have come to the same conclusions that the civil appeals and writ petitions shall stand dismissed. But the appellants and petitioners shall be paid compensation on the market rate prevalent in the year the declaration analogous to Section 6 of the Land Acquisition Act, 1894 were issued. In view of the special facts and peculiar circumstances and nor as of law we have adopted this course."

F Subsequently, the question was considered by another Bench of this Court in *U.P. Avas Evam Vikas Parishad, Lucknow v. Lata Awashti*, [1995] 3 SCC 573, wherein it was held that the Amendment Act has no application since some of the provisions of the Land Acquisition Act, 1894 (1 of 1894) were incorporated into the Adhinyam. The same view was reiterated in *Ramesh Chandra Tiwari & Ors. v. U.P. Avas Evam Vikas Parishad, Lucknow*, CA No. 1832/86 decided January 8, 1996 by another Bench. Under these circumstances, it is now settled law that the Land Acquisition  
G  
H Amendment Act 68 of 1884 has no application to the acquisition under the

Adhinyam. As a result, Section 11-A of the land Acquisition Act, as amended by Act 68 of 1984, has no application. The notification under Adhinyam similar to Section 4(1) and the declaration similar to Section 6 do not stand lapsed after the expiry of two years from the date the Amendment Act has come into force. The High Court, therefore, was right in refusing to grant the relief.

The Land Acquisition Officer is directed to pass the award in accordance with law within a period of six weeks from the date of the receipt of this order. If the Land Acquisition Officer does not pass the award within that period, he should award interest on the amount awarded @ 18% from the date of the expiry of six weeks till the date of the deposit with him of the compensation by the requisitioning authority. In any event, if the amount is not deposited with the Land Acquisition Officer within a further period of three months thereafter, there shall be a direction to the State Government to withdraw from the acquisition.

The appeal is accordingly ordered. No costs.

T.N.A

Appeal ordered.