
**Jasu Singh S/o Bheru Singh Vs Union of India through the Secretary &
Ors.**

10760 of 2016

Court: RAJASTHAN HIGH COURT

Date of Decision: March 27, 2017

Acts Referred:

[National Highways Act, 1956](#), [Section 3G](#) - Determination of amount payable as compensation#[Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2](#)

Hon'ble Judges: [Sangeet Lodha](#)

Bench: [SINGLE BENCH](#)

Advocate: [Pradeep Swami, Mukesh Dave, B.P.Bohra, Vinit Sanadhya](#)

Final Decision: [Disposed](#)

Judgement

[1. By way of this writ petition, the petitioner is seeking directions to the respondents to re-determine the amount of compensation and other](#)

[benefits awarded by the competent authority for the land acquired, while complying with the provisions of Right to Fair Compensation and](#)

[Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 \(for short ""the Act of 2013""\).](#)

[2. The facts relevant are that the petitioner's land was acquired under the provisions of National Highways Act, 1956 \(for short ""the Act of](#)

[1956""\). The competent authority determined the compensation in terms of the provisions of Section 3G of the Act of the Act of 1956. Precisely,](#)

[the grievance of the petitioner is that the award in question having been passed by the competent authority after 31.12.14 by virtue of sub-section](#)

[\(3\) of Section 105 inserted vide the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement](#)

[\(Amendment\) Ordinance, 2014, re-incorporated vide the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and](#)

Resettlement (Amendment) Ordinance, 2015 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

the

Resettlement (Amendment) Second Ordinance, 2015, promulgated by the President of the Republic of India, the determination of

the

compensation was required to be made in accordance with the provisions contained in First Schedule of the Act of 2013 whereas,

compensation has been determined by the competent authority keeping in view the provisions of Section 3G of the Act of 1956.

3. It is not disputed by the counsels appearing for the Union of India and the National Highway Authority before this court that by

virtue of

provisions of sub-section (3) of Section 105 of the Act of 2013 in force at the relevant time, the competent authority was required to

determine the

compensation payable to the petitioner for the land acquired, taking into consideration the components as set out in the First

Schedule of the Act of

2013.

4. As a matter of fact, the issue regarding applicability of the provisions of the Act of 2013 for determination of compensation in

cases where land

acquisition proceedings were initiated under the Act of 1956 but, award has not been declared till 31st of December, 2014, was

considered by the

Ministry of Road Transport & Highways and vide circular dated 3rd of February, 2016, while accepting the legal opinion tendered

by Additional

Solicitor General of India, it has been clarified that even where the award of compensation under Section 3G of the Act of 1956

was declared by

competent authority on or before 31st of December, 2014 but compensation in respect of majority of the land area notified in the

relevant 3A

notification was not deposited in the account of beneficiaries on or before 31st of December, 2014, all the beneficiaries shall be

entitled to

compensation in accordance with provisions of the Act of 2013.

5. It is not disputed that in the instant case, the award has been passed after 31.12.14 and therefore, even otherwise, as per the

categorical stand

taken by the Union of India and the National Highways Authority by virtue of provisions of sub-section (3) of Section 105 of the Act

of 2013 in

force at the relevant time, the compensation payable to the petitioner for the land acquired has to be re-determined as per the

provisions of the Act

of 2013.

6. In this view of the matter, the writ petition is disposed of with the directions to the respondents to re-determine the amount of

compensation

payable to the petitioner in accordance with the provisions of the Act of 2013. The entire exercise shall be completed within a

period of three

months from the date of receipt of certified copy of this order. No order as to costs.