

(1998) 09 NCDRC CK 0017

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

MAJOR KABAL SINGH

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: Sept. 14, 1998

Citation: 1999 1 CPJ 110

Hon'ble Judges: A.P.Chowdhri , Desh Bandhu J.

Final Decision: Complaint disposed of

Judgement

1. THE complainant was owner of 1/5th share of land comprised in Khasra No. 232 measuring 50 Bighas and 2 Biswas in the area of Village Ladha Sarai (Now South Delhi). THE said land had been acquired by various Notifications under the Land Acquisition Act.

2. UNDER the Urban Land Ceiling Act, the Competent Authority declared the complainant's share to be surplus leaving a plot of 500 Sq. Metres. Even that had not been made available and the entire holding had been acquired by the State. The land which was worth not less than Rs. 10.00 crores had been acquired for a paltry sum and no enhancement had been granted. The grievance of the complainant is that he may be granted adequate compensation and handed over a plot of 500 Sq. Metres in terms of the decision of the Competent Authority under the Urban Land Ceiling Act. L.A.O. was got served in this complaint. None, however, appeared to contest the case.

We have heard the complainant and Mr. R.S. Bedi, Advocate, amicus curiae. In our view, this Commission, has no jurisdiction to deal with the present complaint. The

Land Acquisition Act provides a complete, machinery for obtaining the relief claimed by the complainant. In our view, the jurisdiction of the Commission stands impliedly barred because of the detailed provisions contained in the Land Acquisition Act. We are supported in taking this view by the reasoning which commanded itself to their lordships of the Supreme Court in the Chairman, Theruvallur Transport Co. v. Consumer Protection Council, I (1995) CPJ 3 (SC), and Union of India & Another v. M. Adai Kalam, II (1993) CPJ 145 (NC).

We have no doubt that the complainant has been prosecuting his complaint in good faith and he is entitled to the deduction of time from the date of institution of the complaint in this Commission till the receipt of a certified copy of this order. We strongly recommend accordingly.

3. FOR the foregoing reasons, we direct that the complaint be returned to the complainant for pursuing his remedy according to law on the complaint. The date of presentation and the date of return shall be clearly enforced. A copy of this order be conveyed to both the parties. Complaint disposed of.