

**(2015) 2 ALLMR 940 : (2014) 6 MhLj 610 : (2015) 1 MPHT 288 : (2014) 4 MPLJ 507 :
(2014) 7 SCALE 215 : (2014) 6 SCC 583**

Supreme Court of India

Case No: C.A. No. 3871 of 2014 (Arising out of SLP (C) No. 18052 of 2012), C.A. No. 3872 of 2014 (Arising out of SLP (C) No. 4375 of 2013), C.A. No. 3873 of 2014 (Arising out of SLP (C) No. 18051 of 2012), C.A. No. 3874 of 2014 (Arising out of SLP (C) No. 26676 of

Bimla Devi

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: March 14, 2014

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " Section 11, 24, 24(1), 24(2), 4

Citation: (2015) 2 ALLMR 940 : (2014) 6 MhLj 610 : (2015) 1 MPHT 288 : (2014) 4 MPLJ 507 : (2014) 7 SCALE 215 : (2014) 6 SCC 583

Hon'ble Judges: Sharad Arvind Bobde, J; R.M. Lodha, J

Bench: Division Bench

Judgement

JUDGMENT

1. Leave granted. It is a common ground of the parties that the award was passed on 18.11.1995 and the compensation has not been paid nor

deposited in the court nor received by the Appellants till date i.e. 31.1.2014 and even the physical possession of the land in question is with the

Appellants as on date.

2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short ""2013 Act"") came

into effect on 1.1.2014. It is submitted by the Appellants and not contested by the Respondents that in view of Section 24 of 2013 Act, the land

acquisition proceedings have lapsed.

3. In a recent decision of this Court in 280397 a three Judge Bench speaking through one of us (R.M. Lodha, J.) considered the scope of Section

24 particularly the meaning of the expression ""compensation has not been paid"" in Section 24(2) of 2013 Act and held as under:

10. Insofar as Sub-section (1) of Section 24 is concerned, it begins with non obstante clause. By this, Parliament has given overriding effect to this

provision over all other provisions of 2013 Act. It is provided in Clause (a) that where the land acquisition proceedings have been initiated under

the 1894 Act but no award u/s 11 is made, then the provisions of 2013 Act shall apply relating to the determination of compensation. Clause (b) of

Section 24(1) makes provision that where land acquisition proceedings have been initiated under the 1894 Act and award has been made u/s 11,

then such proceedings shall continue under the provisions of the 1894 Act as if that Act has not been repealed.

11. Section 24(2) also begins with non obstante clause. This provision has overriding effect over Section 24(1). Section 24(2) enacts that in

relation to the land acquisition proceedings initiated under 1894 Act, where an award has been made five years or more prior to the

commencement of the 2013 Act and either of the two contingencies is satisfied, viz.; (i) physical possession of the land has not been taken or (ii)

the compensation has not been paid, such acquisition proceedings shall be deemed to have lapsed. On the lapse of such acquisition proceedings, if

the appropriate government still chooses to acquire the land which was the subject matter of acquisition under the 1894 Act then it has to initiate

the proceedings afresh under the 2013 Act. The proviso appended to Section 24(2) deals with a situation where in respect of the acquisition

initiated under the 1894 Act an award has been made and compensation in respect of a majority of land holdings has not been deposited in the

account of the beneficiaries then all the beneficiaries specified in Section 4 notification become entitled to compensation under 2013 Act.

17. While enacting Section 24(2), Parliament definitely had in its view Section 31 of the 1894 Act. From that one thing is clear that it did not intend

to equate the word ""paid"" to ""offered"" or ""tendered"". But at the same time, we do not think that by use of the word ""paid"", Parliament intended

receipt of compensation by the landowners/persons interested. In our view, it is not appropriate to give a literal construction to the expression

paid"" used in this Sub-section (Sub-section (2) of Section 24). If a literal construction were to be given, then it would amount to ignoring

procedure, mode and manner of deposit provided in Section 31(2) of the 1894 Act in the event of happening of any of the contingencies

contemplated therein which may prevent the Collector from making actual payment of compensation. We are of the view therefore, that for the

purposes of Section 24(2) the compensation shall be regarded as ""paid"" if the compensation has been offered to the person interested and such

compensation has been deposited in the court where reference u/s 18 can be made on happening of any of the contingencies contemplated u/s

31(2) of the 1894 Act. In other words, the compensation may be said to have been ""paid"" within the meaning of Section 24(2) when the Collector

(or for that matter Land Acquisition Officer) has discharged his obligation and deposited the amount of compensation in court and made that

amount available to the interested person to be dealt with as provided in Sections 32 and 33.

4. In view of the above legal position and the fact that the award was passed on 18.11.1995 and the compensation has not been paid nor

deposited in the court nor received by the Appellants till 31.1.2014 and the physical possession is also with the Appellants as on date, the subject

acquisition has to be held to have been lapsed. We hold accordingly. Civil Appeals are allowed as above with no order as to costs.