
(1990) 11 DEL CK 0031

In the Delhi High Court

Case No : Civil Writ Appeal No. 2828 of 1988

Harbans Singh and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 08-11-1990

Acts Referred:

Land Acquisition Act, 1894 — Section 11A

Citation : (1991) 43 DLT 716

Hon'ble Judges : M.L. Verma, J

Bench : Single Bench

Advocate : K.L. Rathee and Subhash Mittal, for the Appellant;

Judgement

M.L. Verma, J.

(1) This writ petition is based on the provisions of Section 11.A of the Land Acquisition Act, 1894 as amended in 1984 (hereinafter referred to as "the Act"). The provisions of the said Section of the said Act came into force with effect from 24.9.84, and read as under :

"11-A.Period within which an award shall be made : (1) The Collector shall make an award u/s 11 within a period of two years from the date of publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse : Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 the Award shall be made within a period of two years from such commencement."

(2) Learned counsel for the petitioner contends that his case is covered by the Proviso to the aforesaid Section. A couple of dates may be noticed here The Notification u/s 4 of the Act was made on 13.11.59 Section 6 Notification came on 27.5.67. Notices under Sections 9 & 10 of the Act were issued on 29.12.67. Till date the award has not been made. Consequently, as per the provisions of the aforesaid Section, the entire proceedings in the acquisition of the land in

question have lapsed. The same view has been taken by a Division Bench of our Court in the case of Smt. Lakshmi Devi and others v. Uoi & others in C.W.P. 2232/89 decided on 16.2.1990.

(3) The result is that the writ petition is allowed. The rule is made absolute. No costs. Appeal allowed