
(1997) 11 AP CK 0029
In the Andhra Pradesh High Court
Case No : WA No. 1287 of 1997

K. Venkattashyamappa and Another	APPELLANT
Vs	
District Collector, Anantapur and Others	RESPONDENT

Date of Decision : 17-11-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 11A, 4(1), 6(2)

Citation : (1998) 2 ALD 21 : (1998) 2 ALT 401

Hon'ble Judges : Syed Shah Mohammed Quadri, Acting C.J.; R.M. Bapat, J

Bench : Division Bench

Advocate : Mr. O. Manohar Reddy, for the Appellant; Government Pleader for Social Welfare and Labour, for the Respondent

Judgement

Syed Shah Mohammed Quadri, ACJ.

1. The petitioners having failed to obtain relief at the hands of the learned single Judge in the writ petition No.17023 of 1996 which was dismissed on September 23, 1997, filed this writ appeal assailing the validity of that order.
2. An extent of Acs.2.00 in Survey No. 127-16A of Gollapuram village, Hindupur Mandal, Anantapur District was notified for acquisition u/s 4(1) of the Land Acquisition Act (for short "the Act"). Statutory declaration u/s 6 of the Act was published in the Official Gazette on May 8, 1994 and publication of the same was made on June 9, 1994. The land acquisition proceedings were completed and the award was passed on May 25, 1996.
3. The petitioners submitted in the writ petition, that u/s 11A of the Act, the award ought to have been passed within two years from May 8, 1994 - the date of publication in the Gazette - and that not having been done, all the proceedings were vitiated. The learned single Judge did not accept this contention of the appellant-petitioners and dismissed the writ petition.
4. Sri O. Manohar Reddy, the learned Counsel appearing for the appellants, contends that the date of publication in the Official Gazette is the date from

which the period prescribed in Section 11A has to be computed; therefore, the order of the learned single Judge is liable to be set aside.

5. We are afraid we cannot accede to the contention of the learned Counsel. To appreciate the said contention, it would be useful to read Section 11A of the Act which runs thus :

"11A. Period within which an award shall be made :--The Collector shall make an award u/s 11 within a period of two years from the date of the 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.

Explanation:--In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court, shall be excluded."

A plain reading of the above provision would show that total period of two years from the date of the publication of the declaration, is fixed, as outer limit for passing the award. It is also clear that where the declaration has been published before the commencement of the Act, the award should be passed within two years from the date of the commencement. The explanation says that in computing the period of two years, the period during which any action or proceeding, to be taken in pursuance of the declaration, is stayed by an order of the Court, that period shall be excluded. The question that squarely falls for consideration is how the period of two years should be computed for purposes of Section 11A. This takes us to sub-section (2) of Section 6. Sub-section (2) of Section 6 reads as under:

"(2) Every declaration shall be published in the Official Gazette and in two daily newspapers circulating in the locality in which the land is situate of which atleast one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of publication of the declaration) and such declaration shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and where a plan shall have been made of the land, the place where such plan may be inspected."

The provision extracted above, enjoins that every declaration shall be published in the Official Gazette and in two daily newspapers circulating in the locality in which the land is situate, of which atleast one shall be in the regional language. A further obligation is cast on the Collector to cause public notice of the substance of the declaration at convenient places in the locality. The phrase "the

last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of publication of the declaration" has been added in view of the plurality of the publications. What is contemplated is that the last date of the publications and the giving of such public notice shall be the date of publication of the declaration and wherever that phrase occurs, thereafter it would carry that meaning. This meaning, in our view, has to be read necessarily for purposes of Section 11A because that provision follows after Section 6(2).

6. The learned Counsel for the appellants, however, relied on the judgment of the Supreme Court in *Krishi Utpadan Mandi Samiti and Another Vs. Makrand Singh and Others*, and contended that the Supreme Court held that publication in the Official Gazette, was the last date of publication. In that case the Supreme Court had considered the question of computation of period of limitation of three years prescribed under proviso (i) to Section 6(1) of the Land Acquisition Act. It was held that the limitation must be computed from the last of the dates of publication of notification u/s 4(1) to the date of publication of declaration u/s 6 in the Official Gazette and not in the newspaper. While reading the said judgment the observation therein cannot be lost sight of, that the last date u/s 6(2) shall be the date for the purposes "hereinafter referred to" so it would not be for computing the period of three years prescribed in Clause (i) of proviso to Section 6(1) of the Act as it had already been done, but for purposes to be followed thereafter like steps to be taken thereafter in making the award u/s 11, in computation of the period prescribed u/s 11A. The above observation of the Supreme Court supports the interpretation we have put on Section 6(2) read with Section 11A,

7. In this view of the matter, we find no merit in the writ appeal. It is accordingly dismissed. No costs.