

A

GURDIAL SINGH AND ANR.

v.

STATE OF PUNJAB

MARCH 1, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Land Acquisition Act, 1894—Before amendment of 1984 Section 9 and 25(2)—Determination of compensation—Applicant omitted to make claim—No jurisdiction vests with court to award compensation in excess of amount awarded by Collector.

C

A notification u/s 4 of the Land Acquisition Act, 1894 was published for acquiring land. The Land Acquisition Officer awarded a sum of Rs. 13,816 per acre as compensation. On reference, the Court enhanced the compensation to Rs. 2,50,000 per acre. On appeal, the High Court reduced the compensation to Rs. 30,000 per acre. Hence these appeals.

D

The appellants contended that the sale deed and mutation proceedings Rs. 1,08,000. It was submitted that the High Court was not justified in relying upon the solitary mutation proceedings to determine the compensation at Rs. 30,000 per acre.

E

Dismissing the appeals, this court

HELD : Under the unamended Act, by operation of Section 9 of the Land Acquisition Act, the claimant or the owner was enjoined to make claim giving particulars of the claim. Section 25 of the Act, as originally stood, provided that in a case where a claim was made the amount awarded by the court shall not exceed the amount claimed or less than the amount awarded by the Collector u/s 11. But in a case where the applicant omitted to make the claim, then the Court had no jurisdiction to award the compensation in excess of the amount awarded by the Collector. In these cases, no claim had been admittedly made by the appellants. [421-F, H, 422-A]

F

G

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 4220-24 of 1982.

From the Judgment and Order dated 15.9.82 of the Punjab and Haryana High Court in R.F.A. No. 1065-66, 1068-69 and 1077 of 1981.

H

Prem Malhotra for the Appellants. A

Sanjay Bansal and G.K. Bansal for the Respondent.

The following Order of the Court was delivered:

A notification under Section 4 of the Land Acquisition Act, 1894, was published on Feb. 15, 1979, acquiring 4.5 acres of land for establishing a Milk Chilling-cum-Demonstration Centre at Village Sardulgarh in Bhatinda District of Punjab State. The Land Acquisition Officer in his award dated March 23, 1979, awarded a sum of Rs. 13,816 per acre as compensation. On reference, the Addl. Distt. Judge, Bhatinda, by decree dated April 30, 1981, enhanced the compensation to Rs. 2,50,000 per acre. On appeal under Section 54 by the State, the High Court in R.F.A. NO. 1065 of 1981 and batch, by its order dated September 15, 1982, reduced the compensation to Rs. 30,000 per acre. Dissatisfied with the judgment of the High Court, the appellants filed these appeals by special leave. B C D

Shri Prem Malhotra, learned counsel appearing for the appellants, has strenuously contended that the sale-deed (Ex. A1 to A5) and Mutation Proceedings (Ex.A7 to A16) would show that the market value ranged between Rs. 3,12,000 to Rs. 1,08,000. He submitted that the High Court was not justified in relying upon the solitary mutation proceedings noted in the judgment to determine the compensation at Rs. 30,000 per acre. We find no force in this contention. It is seen that under the unamended Act, by operation of Section 9, the claimant or the owner is enjoined to make claim giving particulars of the claim. Section 25 of the Act, as originally stood, provided that in a case where a claim is made the amount awarded by the court shall not exceed the amount claimed or less than the amount awarded by the Collector under Section 11. This is by operation of sub-section (1) of Section 25. But in case where the claim was not made, sub-section(2) operated and held the field. Sub-section (2) Section 25 read thus: E F

"When the applicant has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector." G

Thus, it can be seen that in a case where the applicant had omitted to make H

A the claim, then the court had no jurisdiction to award the compensation in excess of the amount awarded by the Collector. In these cases, no claim had been admittedly made by the appellants.

B This provision was not noted by the High Court. The High Court, by referring to the mutation proceedings in which the market value was shown to be ranging between Rs. 9,400 to Rs. 14,000 per acre, had enhanced the compensation to Rs. 30,000 per acre. That appeal was allowed to become final; and so nothing can be done with the market value as fixed by the High Court. But these appeals are dismissed in view of the statutory prohibition contained in sub-section (2) Section 25 of the Act.

C We make no order as to costs.

A.G.

Appeals dismissed.