

PETITIONER:
INDER SINGH & ORS.

Vs.

RESPONDENT:
UNION OF INDIA & ANR.

DATE OF JUDGMENT 02/11/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (4) 282 JT 1995 (8) 555
1995 SCALE (6) 467

ACT:

HEADNOTE:

JUDGMENT:
O R D E R

Leave granted.

The appellant had sought appointment of an arbitrator under Section 8(b) of the Requisitioning and Acquisition of Immovable Property Act, 1952. The High Court dismissed the writ petition on two grounds, namely, on delay as well as on merits. Thus this appeal by special leave.

The Land Acquisition Collector, the competent authority, had passed the award determining compensation at varied rates, namely, Rs.5,000/-, Rs.4,200/- and Rs.2001/- in respect of three different belts of land. Thereupon, 22 persons including the appellants herein had agreed to receive the compensation and executed 'K' Form Agreement per Rule 9(5) (i) of the Rules made under the Act and accepted the compensation without protest. Section 8(b) of the Act requires appointment of arbitrator when there is no agreement between the parties reached on the compensation determined by the Land Acquisition Officer.

In view of the above circumstances, the appellants having received the compensation under Form 'K' without protest, Rule 9 (5) (i) would apply to them and they are not entitled under Section 8(b) of the Act for appointment of an arbitrator.

The appeal is accordingly dismissed. No costs.