

PETITIONER:
NAHAR SINGH

Vs.

RESPONDENT:
STATE OF U.P. & ORS.

DATE OF JUDGMENT 28/11/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
MAJMUDAR S.B. (J)

CITATION:
1996 SCC (1) 434 JT 1995 (9) 135
1995 SCALE (6) 773

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Delay condoned. Substitution allowed.

Notification under Section 4 (1) of the Land Acquisition Act, 1894 [for short, "the Act"] was published on June 25, 1974. Declaration under Section 6 was published on July 3, 1974 dispensing with the enquiry under Section 5-A after the Governor had exercised his power under Section 17 (4) of the Act.

It is not clear from the record that the possession of the land was taken after 15 days from the date of service of the notice under Section 9 on the appellant. The appellant has asserted that he has been in possession of the land but no counter has been filed. In support thereof, the appellant has also placed on record the resolution dated December 27, 1977 of Gram Sabha stating that the other land has already been allotted to 30 eligible persons of the village and the land in question no longer is necessary. After the Amendment Act 68 of 1984 was brought into force w.e.f. September 24, 1984, Section 11-A operates in the field. It envisages that if the award under Section 11 has not been made within two years from the date of coming into force of the Amendment Act, all the proceedings under Sections 4 and 6 shall stand lapsed. In view of the fact that no steps appeared to have been taken within time, the notification under Section 4 (1) and declaration under Section 6 no longer subsist.

Accordingly, the appeal is allowed. No costs.