

Inder Singh and Others

Vs

Union of India and Another

Civil Appeal No. 10271 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

02.11.1995

ORDER

1. Leave granted.
2. 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.
3. The Land Acquisition Collector, the competent authority, had passed the award determining compensation at varied rates, namely, Rs 5000, Rs 4200 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 as 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.
4. 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.
5. The appeal is accordingly dismissed. No costs.