

Nahar Singh

Vs

State of U. P. and Others

Civil Appeal No. 558 of 1985

(K. Ramaswamy, S. B. Majmudar JJ)

28.11.1995

ORDER

1. Delay condoned. Substitution allowed.

2. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") was published on 25-6-1974. Declaration under Section 6 was published on 3-7-1974 dispensing with the enquiry under Section 5-A after the Governor had exercised his power under Section 17(4) of the Act.

3. 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 27-12-1977 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. 24-9-1984, 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.

4. Accordingly, the appeal is allowed. No costs.