

Union of India and Others

Vs

Satyawati (Smt) and Others

Civil Appeals Nos. 2364, 2361-62, 2365-66, 2363, 2367-78 of 1996

(K. Ramaswamy, G.B. Pattanaik JJ)

12.01.1996

ORDER

1. Leave granted.

2. Mr Sanjay Sarin, learned counsel appearing for the respondents has brought to our notice that pursuant to the directions of the High Court, arbitrator had already been appointed and he gave his award. Against the award, appeals have been filed in the High Court and they are pending. Under these circumstances, it is open to the appellants to raise all the contentions raised in these appeals in the High Court and the High Court would deal with and dispose of them according to law. Accordingly, we do not think that these are cases for our interference at this stage.

3. The appeals are accordingly dismissed. No costs.

CAs Nos. 2364, 2365-66 and 2367-78 of 1996 (@ SLPs Nos. 5774, 5777-78 and 5781-92)

4. Leave granted.

5. The controversy raised in these cases is squarely covered by the judgment of this Court in Union of India v. Munsha [1995 Supp (4) SCC 660 : JT (1995) 8 SC 289]. Following the judgment, we are constrained to hold that since no action has been taken by the claimants in communicating the objections for not accepting the award within the time prescribed under the law, it must be deemed that they have accepted the award. Consequently, the omission to appoint the arbitrator under Section 8(1)(b) the Requisitioning and Acquisition of Immovable Property Act, 1952 read with Rule 9(1) of the Rules made under that Act, is not vitiated by any error of law. The High Court, therefore, was not right in directing in the impugned order the appointment of an arbitrator.

6. The appeals are allowed. The order of the High Court in the respective writ petitions is set aside. No costs.