

Arulmighu Lakshminarasimhaswamy Temple Singirigudi

Vs

Union of India and Others

Civil Appeal No. 12001 of 1996

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

02.09.1996

ORDER

1. Leave granted.

2. On the admitted facts, the approach of both the learned Single Judge and of the Division Bench in the writ petition and the WA No. 1358 of 1995 indicated in the impugned order made on 30-1-1996 cannot be sustained. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 4-6-1987 acquiring the land in question for the public purpose. After compliance of the notice under Sections 9 and 10 of the Act and enquiring, the award came to be passed by the Land Acquisition Officer on 7-2-1990. The possession thereafter was taken on 30-10-1990. The question, therefore, would be : what would be the proper procedure to be adopted in case of dispute as to the title of the land acquired under the Act ? The learned Single Judge declared title of the petitioner in the writ petition and the Division Bench directed the civil court to decide the title. Both views are obviously erroneous in law. The Land Acquisition Officer has to determine the extent of the land, the persons entitled to compensation and the compensation to be determined under Section 23(1) of the Act. If he finds that there is any dispute as to the person entitled to receive the compensation, necessarily he has to deposit the amount under Section 31 of the Act into the court to which reference would lie. On such a dispute having arisen, he has to make a reference to the court under Section 30 of the Act to decide the dispute between the competing persons who set up rival title to the compensation. Under those circumstances, the only legal course open is that a direction be issued to the Land Acquisition Officer to make a reference under Section 30 to decide the inter se title to receive the compensation either by the appellant or by the fourth respondent, as the case may be and the Reference Court would decide the matter in accordance with law.

3. The appeal is accordingly allowed. The orders passed by the learned Single Judge and the Division Bench stand set aside. The Land Acquisition Officer is directed to make a reference to the Court under Section 30. We are informed that the compensation has already been deposited in interest-earning security. Therefore, if the parties so require, the Reference Court may be approached in this behalf or the order of the learned Single Judge may continue in force till the reference is decided in accordance with law. The latter would be the appropriate course. No costs.