

# ALLAHABAD HIGH COURT

Avdhesh Singh

Vs.

Bikarma Ahir

Special Appeals Nos. 403 and 621 of 1967; Civil Misc. Writ No. 6097 of 1970

(Yashoda Nandan, M.N. Shukla, C.S.P. Singh, N.D. Ojha and M.P. Mehrotra,  
JJ.)

28.02.1975

## JUDGEMENT

**Yashoda Nandan, J.**

1. Special Appeals Nos. 403 and 621 of 1967 which arose out of the same judgment of a learned Single Judge came up before a Division Bench consisting of two of us. The appeals involved a consideration of the nature, extent of and conditions under which the Compensation Statement signed and sealed by the Compensation Officer in accordance with Section 240-J of U. P. Act 1 of 1951 - hereinafter referred to as the Act - assumes finality. Since there was considerable divergence of opinion on these questions in reported and unreported decisions of this Court, the Bench referred the following questions for answer to a larger Bench :-

"1. Whether the finality of Compensation Statement under Section 240-J, U. P. Zamindari Abolition and Land Reforms Act extinguishes the rights and title of the land-holder and the land-holder is debarred from showing in the subsequent proceedings that the land is not held by Adhivasi?

2. Whether the finality of Compensation Statement under Section 240-J is final between land-holder and State only and not between landholder and person claiming Adhivasi rights?

3. Whether the finality amounts to an adjudication of title between the land-holder and the person claiming Adhivasi right and the principle of *res judicata* or constructive *res judicata* applies?

4. Whether the land-holder against whom Compensation Statement has become final and who has received compensation has no *locus standi* to

reagitate his rights in respect of the land in question?

5. What is the nature of proceedings under Section 240-D of the U. P. Zamindari Abolition and Land Reforms Act and their effect in a regular title suit or proceeding ?

6. What is the meaning of the word 'final' used in Section 240-J (2) of the U. P. Zamindari Abolition and Land Reforms Act ?"

2. Identical problems arose before one of us in Writ Petition No. 6097 of 1970 and consequently the learned Single Judge hearing it also referred the same questions for consideration by and answers thereof to a large Bench. As a result of the references, these questions came up for consideration before a Full Bench consisting of three Judges. During the hearing of the references some doubts were entertained with regard to the correctness of the Full Bench decision of this Court in *Maqbool Raza v. Joint Director of Consolidation, U. P. Lucknow*,<sup>1</sup> It was contended before the Full Bench that the Bench which decided 1968 All LJ 89(FB) (supra) was concerned with the effect of the Compensation Statement finalised under Section 240-J on rival claims to Adhivasi rights and not with a case where the land-holder was claiming that the person shown as Adhivasi in the Compensation Statement was really not so and that he (the land-holder) continued to retain his title over the disputed land despite the proceedings under Chapter IX-A as is the case in the two special appeals and the writ petition before us. The Full Bench consequently referred the questions mentioned earlier for consideration by a larger Bench. This is how these cases happen to be before us.

3. During the hearing before us learned counsel representing the parties agreed that the last two questions of the order of reference either do not arise or the answers to them would be covered by the answers to the first four questions. We consequently do not propose to answer those two questions. The questions that have been referred to us have been the subject-matter of consideration in a bead-string of decisions, many of which have interpreted the Full Bench decision in 1968 All LJ 89(FIB) (supra) in diverse ways.

4. The Act as originally enacted provided for abolition of rights of intermediaries and their vesting in the State and simultaneous conferment of rights on the actual tillers of the soil. It created three classes of tenure- holders,

viz. (1) Bhumidhars, (2) Sirdars and (3) Asamis. It also under Section 20 of the Act recognized a class of persons having different types of rights who were described as Adhivasis, though they were not tenure-holders and had merely a right to continue in occupation. Subsequently by U. P. Supplementary Act No. XX of 1952 Adhivasi rights were also conferred on persons who were in cultivatory possession of land in 1359 Fasli. It appears that the legislature realized that its objective of securing land to the tillers of the soil had not been fully achieved and consequently with a view to completing the process of providing security of tenure to such persons it enacted U. P. Land Reforms (Supplementary) Act 1952 (U. P. Act No. XXXI of 1952) which brought about substantial changes in the Act. This Amending Act of 1952 introduced Chapter IX-A in the Act with the scope of which we are concerned in these references. This Chapter contains in all 14 sections and is headed "Conferment of Sirdari rights on Adhivasi."

5. At this stage the relevant provisions of Chapter IX-A may usefully be surveyed. Section 240-A of Chapter IX-A empowers the State Government to declare by means of a notification published in the Official Gazette that as from a date to be specified therein the rights, title and interest of the land-holder in land which, on the date immediately preceding the said date, was held or deemed to be held by an Adhivasi shall as from the beginning of the date so specified, cease and vest, except as provided in the subsequent sections of the Chapter, in the State free from all encumbrances. Section 240-B provides for the consequences that would ensue in the area in respect of which a notification under Section 240-A of the Act has been published. Section 240-C enacts that "every land-holder whose rights, title or interest in the land referred to in Section 240-A are acquired under the said section shall be entitled to receive and be paid compensation as hereinafter provided" (Emphasis supplied) Section 240-D places a duty on the Compensation Officer to prepare a Compensation Statement "for purposes of assessment and payment of compensation for acquisition of rights, title and interest of land-holder in the land referred to in Section 240-A". It further provides that the Compensation Statement prepared shall show.

"(a) the name or names of the landholder;

(b) Where the land referred to in Section 240-A was, on the date

immediately preceding the date of vesting, -

- (i) recorded as sir, khudkasht or fixed rate tenancy of the land-holder, or
- (ii) included in the holding of a person belonging to any of the classes mentioned in the clause (d) of Section 18, or
- (iii) included in the holding of a person belonging to any of the classes mentioned in Section 19 the rent computed at hereditary rates applicable on the said date;
- (c) Where the land referred to in Section 240-A was land other than land mentioned in clause (b), the rent payable for such land by the tenant thereof on the said date; and
- (d) Such other particulars as may be prescribed."

Section 240-E deals with the manner in which compensation to be paid to landholders whose rights, title or interest are acquired by virtue of a notification under Section 240-A is to be assessed. Section 240-F requires the publication of the Compensation Statement prepared under Section 240-D and runs as under ;

"S. 240-F. Preliminary publication of statement. The Compensation Statement prepared under Section 240-D shall be published in the manner prescribed and a copy thereof shall also be sent to the land-holder concerned." Section 240-G is in the following terms :- "S. 240-G. Filing of objections.- Any person interested or the State Government may in the manner prescribed file before the Compensation Officer an objection upon such statement within the period of one month from the date of its publication."

Section 240-H is concerned with the manner in which objections filed under Section 240-G are to be dealt with and reads as follows :-

"S. 240-H. Disposal of objections- (1) Except as provided in sub-section (2), the Compensation Officer shall after hearing the parties, if necessary, on the objections filed under Section 240-G dispose of the objections in the manner prescribed.

(2) Where the objection filed under sub-section (1) -

(a) is that the land is not referred to in sub-section (1) of Section 240-A, the Compensation Officer shall frame an issue to that effect and refer it

for disposal to the court which would have jurisdiction to decide a suit under Section 229-B read with Section 234-A in respect of the land and thereupon all the provisions, relating to the hearing and disposal of such suits shall apply to the reference as if it were suit ;

(b) involves a question of title and such question has not already been determined by a competent court the Compensation Officer shall, except in which Section 240-HH applies, refer the question for determination to the Court of competent jurisdiction.

Explanation - Whether a person is or is not an Adhivasi shall not be deemed to raise a question of title within the meaning of this clause.

(3) The Court of competent jurisdiction shall determine the question referred to it under clause (b) of sub-section (2) in the manner prescribed and its decision thereon shall be final."

Section 240-HH provides that if the question of title referred to in clause (b) of Section 240-H (2) is in respect of land in an area where proceedings under the U. P. Consolidation of Holdings Act as it stood prior to its amendment by the U. P. Consolidation of Holdings (Amendment) Act, 1958, are taking place, the Compensation Officer shall refer it to the Civil Judge having jurisdiction who shall thereupon refer it for determination to the Arbitrator appointed under Section 37 (1) of that Act, Section 240-I provides for an appeal to the Collector against orders of the Compensation Officer and reads thus –

S. 240-I. Appeal to the Collector- Notwithstanding anything contained in any law, any person aggrieved by the order of the Compensation Officer deciding the objection in so far as it relates to the amount of compensation under Section 240-H, may appeal to the Collector, who shall decide the appeal in the manner prescribed and the decision of the Collector shall be final." Section 240-J is in the following terms :-

"S. 240-J. Final publication of the statement. –

(1)Where no objection has been filed in regard to the compensation statement published in pursuance of Section 240-F, or where such objections are filed and have been finally disposed of, the compensation officer shall, sign the statement and affix his seal thereto.

- (2) The statement so signed and sealed shall become final.
- (3) A copy of the final statement shall be supplied free of charge to the land-holder concerned."

Section 240-K provides for the manner in which compensation shall be paid to the land-holder while Section 240-L lays down that nothing contained in Chapter IX-A shall apply to evacuee property. Section 240-M confers on the State Government power to make rules for the purpose of carrying into effect the provisions of Chapter IX-A of the Act.

6. The main object of Chapter IX-A is to acquire the rights, title and interest of the land-holder in land which on the date immediately preceding the date declared in the notification contemplated by Section 240-A was held or deemed to be held by an Adhivasi and to vest the same in the State so that Sirdari rights may accrue in favour of Adhivasis. This must be clearly kept in mind in construing the scope of the various provisions of Chapter IX-A because it is an elementary rule of construction that any interpretation that would defeat or nullify the object which the legislature seeks to achieve must be avoided. As a result of the notification issued under Section 240-A, the rights title and interest of such land-holders as are contemplated by that section automatically vest in the State. However, no law which fails to provide for payment of compensation for property acquired would be constitutionally valid and consequently Section 240-C, specifically provides that landholders whose rights, title and interest in land referred to in Section 240-A are acquired shall be entitled to receive and to be paid compensation as "hereinafter provided". The use of the words "be paid compensation as hereinafter provided." indicates that the provisions which follow are concerned with the assessment and payment of compensation to the landholders whose rights, title and interest in land are acquired by reason of the notification under Section 240-A. Section 240-D lays a duty on the Compensation Officer to prepare a Compensation Statement for the limited "purposes of assessment and payment of compensation for acquisition of rights, title and interest of land-holder in the land referred to in Section 240-A". Assessment and payment of compensation necessarily and inevitably involves determination of the identity of the land in respect of which compensation has to be assessed and paid, the amount of compensation to be paid and the individual entitled to receive it. Clauses (a) to (c) of Section 240-D contain

matters and particulars which are of relevance for the purposes of determination of the individual who is entitled to compensation and for computation of the amount of compensation. When Section 240-D (d) provides that the Compensation Statement shall show such other particulars as may be prescribed, it envisages that the rule making authority may prescribe by rule such other particulars as might be helpful in deciding the identity of the land acquired, the quantum of compensation to be paid and the person to whom they have to be paid. If the rule-making authority provides by rules for particulars other than those needed for the abovementioned purposes, the Compensation Officer is under no duty to include them in the Compensation Statement because such matters would be beyond what the legislature intended. I wish to emphasize here, even at the risk of repetition, that the limited object of preparation of the Compensation Statement under Section 240-D is to provide a basis for determination of the identity of the land acquired, the assessment of compensation payable therefore and the land-holder entitled thereto. As to which individual is the Adhivasi of the land acquired has no impact on decision of either of these three matters. An *ex parte* determination by the Compensation Officer of these matters could not have been countenanced. The legislature consequently has provided by Section 240-F that the Compensation Statement prepared under Section 240-D shall be published in the manner prescribed and a copy thereof shall be sent to the land-holder concerned. While this provision provides that a copy of the Compensation Statement shall be sent to the land-holder concerned which necessarily means the landholder mentioned in it it also requires publication in the manner prescribed. Rule 193-B and 193-C of the Rules framed under the Act provide for various statements that have to be prepared consequent on a notification under Section 240-A. Rule 193-E (i) makes provision for publication in the Official Gazette of a notice in Z. A. Form No. 111, after the draft Compensation Statement has been drawn up by the Compensation Officer. Sub-rule (ii) of Rule 193-E requires that a copy of the notice in Z. A. Form No. 111 along with a certified extract of the draft compensation statement shall be served on the land-holder in the manner specified in the Civil Procedure Code. Though the manner in which the publication has to be made was left to the rule-making authority, the requirement that the Compensation Statement shall be published in itself implies that the publication must be effective so that all concerned may have notice thereof. The rule has, as noticed, provided for publication of a notice in

Z. A. Form No. 111 in the Official Gazette. Publication in the Official Gazette in this country has always been considered in the eye of law as effective publication. In the *State of Maharashtra v. Mayer Hans George*,<sup>2</sup> the question arose as to whether the respondent before the Supreme Court could be convicted for importing gold in India contrary to the requirements of the Foreign Exchange Regulation Act, 1947 in disregard of a notification issued by the Reserve Bank of India in the Official Gazette. Section 8 (1) of that Act, as far as relevant for our purposes ran as follows :-

"The Central Government may by notification, in the Official Gazette, order that subject to such exemptions, if any, as may be contained in the notification, no person shall, except with the general or special permission of the Reserve Bank and on payment of the fee, if any, prescribed bring or send into India any gold.....  
Explanation ..... .."

In exercise of the powers conferred by the said section, the Central Government issued the following notification dated 25th August, 1948 :-

"In exercise of the powers conferred by sub-section (1) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of the Government of India..... the Central Government is pleased to direct that, except with the general or special permission of the Reserve Bank, no person shall bring or send into India from any place out of India ;  
(a) any gold coin, gold bullion, gold sheets or gold ingot, whether refined or not;....."

On the 25th August, 1948 the Reserve Bank of India issued a notification of the same date. Subsequently on the 8th November, 1962 in supersession of the said notification the Reserve Bank of India issued another notification published in the Official Gazette dated 24th November, 1962. The respondent's act in importing gold in this country was in accord with the notification of the Reserve Bank of India dated 25th August, 1948 but was in breach of the notification published on 24th November, 1962. The respondent had left Zurich on the 27th November, 1962 and it was urged that he could not have had knowledge of the

notification of the Reserve Bank which was published in the Gazette on the 24th November, 1962 in India. In spite of the fact that Section 8 did not provide for the manner in which the Reserve Bank could provide for general or special permission, by reason of the Gazette notification, it was held that he must be attributed with the knowledge of the contents thereof in the eye of law. Ayyangar, J. who delivered the majority judgment for himself and on behalf of Mudholkar, J. described publication in the Official Gazette as "the usual mode of publication in India....."The publication of the Compensation Statement consequently amounts, to my mind, to a notice to all concerned of the contents thereof. Section 240-G gives a right to "any person interested" or the State Government to file objections before the Compensation Officer within the period of one month from the date of its publication. The question arises as to what is the scope of the words "person interested" for the purposes of Section 240-G. Does it include the recorded or unrecorded Adhivasi? To my mind the answer must be in the negative. Since the Compensation Statement prepared under Section 240-D and published under Section 240-F is prepared expressly for purposes of assessment and payment of compensation for acquisition of rights, title and interest of land-holder in the land referred to in Section 240-A, the only persons interested in disputing its correctness can be (1) those claiming that they and not the person shown in the Compensation Statement are the landholders entitled to compensation or that they also along with the landholder mentioned in it are entitled to compensation, (2) the land-holder shown in the Compensation Statement or any one else claiming to be the land-holder who asserts that the land is not of the nature contemplated by Section 240-A of the Act and thus has not been acquired and (3) the recorded land-holder or any one else claiming to be the land-holder disputing the assessment of compensation as disclosed in the Compensation Statement. An Adhivasi recorded or unrecorded in the Compensation Statement can possibly have no interest in supporting or disputing the quantum of compensation assessed or to the identity of the person to whom it is paid or asserting that the land does not belong to the class contemplated by Section 240-A and hence in the entries in the Compensation Statement. No objection consequently, to my mind, is entertainable at the instance of an Adhivasi recorded or unrecorded in the Compensation Statement. Section 240-H lends support to this view. An objection has to be filed before the Compensation Officer. If the objection is to the effect that the land mentioned in the Compensation Statement is not land

referred to in sub-section (1) of Section 240-A, the Compensation Officer is required to frame an issue to that effect and to refer it for disposal to the Court which would have jurisdiction to decide a suit under Section 229-B read with Section 234-A in respect of the land and in such an event all the provisions relating to the hearing and disposal of such suits shall apply to the reference as if it were a suit. On account of the deeming clause towards the end of Section 240-H (2) (a) the objection takes the form of a suit. A suit under Section 229-B read with Section 234-A, according to Schedule I, has to be decided by an Assistant Collector of the First Class. In the very nature of things neither an Adhivasi, if any mentioned in the Compensation Statement, nor any one else claiming to be an Adhivasi can conceivably be interested in establishing that the land mentioned in the Compensation Statement is not of the nature referred to in sub-section (1) of Section 240-A. In fact, every person claiming to be an Adhivasi of the land in question would be interested in showing that it is land of that nature, otherwise he would not become Sirdar. Only land-holders whose rights are claimed to have been acquired by reason of a notification under Section 240-A can be interested in asserting that the land mentioned in the Compensation Statement is not land of the nature contemplated by Section 240-A and hence in filing an objection of the nature envisaged by Section 240-H (2) (a). If, however, in the objection contemplated by Section 240-H (2) (a) the Adhivasi recorded or unrecorded is impleaded as a party, he and the land-holder both would be bound by the decision arrived at in the consequent proceedings on the principle of *res judicata* and it will be open to neither of them to contend in a separate suit that the decision was incorrect. An Adhivasi who is not a party to the proceedings would, however, remain unaffected by the decision. An objection as envisaged by Section 240-H (b) can be raised by persons interested in showing that either they alone to the exclusion of the person shown as land-holder in the Compensation Statement or along with him are land-holders entitled to compensation. Section 240-H (2) (b) lends support to the conclusion that consequent on the publication of the Compensation Statement under Section 240-F any one claiming to have title as land-holder and entitled to compensation must file an objection in accordance with Section 240-G within a month of its publication because such a person is evidently a person interested within the meaning of Section 240-G. The decisions given on objections of the nature contemplated by Section 240-H (2) (a) and (b) are decisions by courts and would bind the State, the land-holders concerned and in case some one

claiming to be an Adhivasi has been impleaded or has on his own initiative become a party to the proceedings under Section 240-H (2) (a) such Adhivasi. The decisions given by competent courts on objections under these provisions cannot by any principle of law be open to challenge in collateral proceedings. The decisions given by courts concerned on objections of the nature envisaged by Section 240-H (2) (a) and (b) become incorporated in the final statement signed and sealed by the Compensation Officer under Section 240-J.

7. In the scheme of Chapter IX-A what strikes me is that land-holders claiming title to land indicated in the Compensation Statement as of the nature provided for in Section 240-A have been given the right to establish their title thereto and also to establish that it is not land liable to acquisition in forums which are regular courts. Normally there is no period of limitation for a suit for declaration of title or for a declaration that a specific piece of land is not of a particular variety. Section 240-G prescribes a period of limitation by providing that those asserting title to land shown in the Compensation Statement prepared under Section 240-D or those contending that it is not land subject to acquisition must move the Courts concerned through the agency of the Compensation Officer. The Compensation Officer himself is a mere receiving agency of the objections which have to be decided as suits. The landholder who either fails to file an objection to the effect that the land is not subject to the acquisition because it is not covered by Section 240-A or who fails to assert title thereto in substance and in effect fails to move the courts concerned for relief within the time prescribed by law. In such an event by reason of the principle of constructive *res judicata* he will be debarred, to my mind, from raising contentions which he could and ought to have raised in objections of the nature envisaged by Section 240-H (2) (a) and (b). This will be so not because of any constructive decision by the Compensation Officer but because of the failure to move the relevant courts through the agency of the Compensation Officer.

8. Apart from objections to the effect that the land in question is not of the nature contemplated by Section 240-A or with regard to title to the land which are envisaged by Section 240-H (2) (a) and Section 240-H (2) (b) both of which, as already held, can only be raised by the land-holder mentioned in the Compensation Statement or other persons claiming to be the landholders, the only other objection contemplated by Section 240-F can be to my mind with

regard to the quantum of compensation tentatively assessed by the Compensation Officer. It is significant that an appeal against an order of the Compensation Officer under Section 240-I lies only against a decision deciding an objection relating to the amount of compensation. An appeal against any other decision by the Compensation Officer is not provided for and this to my mind is because the Compensation Officer has no power to decide an objection of any other character. "Compensation Officer" means "Compensation Officer" appointed under Section 319 according to Section 3 (6) of the Act. Though by rules all Assistant Collectors of the First Class have been appointed as Compensation Officers, the Act does not necessitate their being officers who function as courts. Compensation Officers are neither civil nor revenue Courts and do not function as such while exercising powers under Chapter IX-A of the Act. While deciding the amount of compensation to be paid. Compensation Officers have merely to make some arithmetical calculations in accordance with Section 240- E. In support of the conclusions arrived at by it, the Full Bench in 1968 All LJ 89(supra) took note of the fact that even before the introduction of Chapter IX-A in the Act, there existed provisions for adjudication of disputes between the persons claiming to be Adhivasis or Sirdars. Chapter IX-A has introduced no parallel provisions for the same purposes. Chapter IX-A thus provides no machinery for adjudicating as to who was the Adhivasi of the land in question immediately preceding the notification under Section 240-A and who has become Sirdar by virtue of a notification under that provision.

9. It was rightly held by S. N. Dwivedi and S. D. Khare, JJ. in *Smt. Ashgari Begum v. Deputy Director of Consolidation*<sup>3</sup> that the word "final" in Section 240-J (2) of the Act could not have been used in the sense of barring an appeal or revision because there exist no general provisions for appeal or revision against the Final Compensation Statement prepared after the objections and appeals, if any, have been decided. I am, however, not inclined to accept the view that because of the word "final" the Compensation Officer is debarred from rectifying any clerical error in the Compensation Statement. Though the Act does not specifically confer any such power on him, there is to my mind inherent right in all courts and tribunals to review their orders under certain limitations. If the decision on an objection under Section 240-H (2) (a) or (b) has not been correctly recorded in the Final Compensation Statement signed and sealed by the Compensation Officer, I do not see any reason to hold that the

Compensation Officer is powerless to rectify the error because of the use of the word "final" in Section 240-J (2) of the Act. A Division Bench of this Court in *Debi Prasad v. Sri Khelawan*,<sup>4</sup> in a well considered judgment held that the rule that no court or judge has power to rehear, review, alter or vary any judgment or order after it has been entered or drawn up respectively is subject to certain qualifications and they were enumerated by the Bench as follows :-

"(1) Until a judgment or order has been delivered and signed there is inherent in every court the power to vary its own orders so as to carry out what was intended and to render the language free from doubt, or even to withdraw the order so that the decision may be reconsidered - Halsbury's Laws of England (Hailsham Edition) Volume 19, p. 261: *Lawrie v. Lees*,<sup>5</sup>

(2) After the judgment or order has been entered or drawn up or signed, there is power both under Section 152 of the Civil Procedure Code, and inherent in the judge who gave or made the judgment or order to correct any clerical mistake or error arising from any accidental slip or omission so as to do substantial justice and give effect to his meaning and intention (1881) 7 AC 19 (supra).

(3) If an order or judgment has been made or judgment entered without notice to a party when that party had the right to be heard, the court or judge may set it aside. *The Bolivier* (1916) 2 AC 203 Halsbury's Laws of England (Hailsham Ed.) Vol. 19, p. 263.

(4) If an order has been signed by inadvertence or failure of memory when it was intended that it should not be signed at that stage, the court or judge may recall the order, *Jai Karan v. Panchaiti Akhara*,<sup>6</sup>

(5) Where a decree has been passed against a dead person, the order may be vacated and the case reheard (*Debi Bux Singh v. Habib Shah*).<sup>7</sup> The same rule applies to an order passed against a company which has already been dissolved or which was non-existent *Lazard Brothers and Co. v. Barque Industrielle de Moscow*,<sup>8</sup>

(6) A court has larger power of modifying or setting aside interlocutory orders than it has in respect of final orders. Thus an order for sale of unsaleable property may be set aside - *Tafazzul Husain v. Raghunath Prasad*,<sup>9</sup> "

These exceptions were applied by the Bench which decided 1956 All LJ 13 (supra) to proceedings before a Sub-Divisional Officer under Section 4 of the U. P. Supplementary Act, 1952. In my judgment, the views expressed by the Full Bench in 1968 All LJ 89 (supra) were correct and the reasons given therein are convincing even though they might have been obiter.

10. Numerous decisions, as already stated, were cited before us taking one view or the other with regard to the scope and extent of the finality which attaches to Compensation Statement signed and sealed by the Compensation Officer under Section 240-J (2) of the Act but I do not think it necessary to burden this judgment by a review of them. It is sufficient to hold that cases in which a view has been expressed contrary to those taken in 1968 All LJ 89(FB) have not been correctly decided.

11. For the reasons given above, my conclusion is that the Compensation Statement prepared under Chapter IX-A of the Act is final as far as the identity of the land acquired, the quantum of compensation assessed, and the identity of the land-holder who in lieu of extinction of his rights in the land is entitled to receive the compensation are concerned and for no other purpose.

12. My answer to the first four questions referred to us are as follows :-

(1) Finality of Compensation Statement under Section 240-J, U. P. Zamindari Abolition and Land Reforms Act extinguishes the rights and title of the land- holder and the land-holder is debarred from showing in collateral or separate proceedings that the land is not held by an Adhivasi, except in cases where the provisions of the Act have not been followed or where the Compensation Statement has been prepared in disregard of the fundamental principles of judicial procedure (*Katikara Chintamani Dora v. Guatreddi Annamanaidu*),<sup>10</sup> If the requirements of the Act have not been complied with or the fundamental principles of judicial procedure have been disregarded, the Compensation Statement signed and sealed by the Compensation Officer under Section 240-J (2) of the Act can be assailed in collateral proceedings.

(2) The Compensation Statement signed and sealed under Section 240-J

(2) of the Act is final between the land-holder and the State alone.

(3) The Compensation Statement amounts to an adjudication of title between the land-holder and the person claiming Adhivasi rights and the principle of *res judicata* and constructive *res judicata* will apply only to an Adhivasi who has been a party to proceedings consequent on an objection of the nature contemplated by Section 240-H (2) (a) of the Act.

(4) The land-holder against whom Compensation Statement has become final and who has received compensation has no *locus standi* to reagitate his rights in respect of the land in question.

**M. N. Shukla, J.:-** I agree.

**C. S. P. Singh, J.:-** I agree.

**N. D. Ojha, J.:-** I agree.

**M. P. Mehrotra, J.:-** I agree.

Answer accordingly.

Cases Referred.

1. 1968 All LJ 89(FB)
2. AIR 1965 SC 722
3. (Civil Misc. Writ No. 1193 of 1966 decided on 3rd May, 1966)
4. 1956 All LJ 13
5. (1881) 7 AC 19 (35)
6. AIR 1933 All 49
7. (1913) ILR 35 All 331
8. (1932) 1 KB 617 (624) SC on appeal (1933) AC 289 (296)
9. (1870-72) 14 Moo Ind App 40 (PC)
10. AIR 1974 SC 1069