

to be issued in respect of the said land. Meanwhile, the new enactment namely the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 1 January 2014 replacing the Land Acquisition Act, 1894. In the light of the provisions of 2013 Act where the land acquisition proceedings initiated under Section 4(1) of 1894 Act would mean initiation of proceedings so as to apply benefits under sub-section 1(a) to Section 24 of 2013 Act, which reads as under:-

“24(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 -

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or
... ..”

3. Section 4(1) notification under the 1894 Act is only a declaration of intention to acquire the land and not the acquisition of land as held in number of decisions of the Apex Court as well as various High Courts. Initiation of land acquisition proceedings would mean only if a notification under Section 6(1) of 1894 Act is made. Even by virtue of Section 114 of 2013 Act though Section 6 is applicable but the facts as stated above in this case will not attract Section 6 of the General Clauses Act since initiation of land acquisition proceedings was only in the year

2015 by a notification dated 6 January 2015. Even if the new Act of 2013 was not in existence, the notification under Section 6(1) of the 1894 Act gets lapsed since it was issued beyond one year from 27 December 2013 on which date notification under Section 4(1) of 1894 Act was issued.

4. In that view of the matter one has to opine that stage of making of Award under Section 11 of 1894 Act had not reached at all at the time of continuation of the proceedings in order to determine the compensation. Apparently, in the year 2016 an Award came to be made on 6 February 2016. We fail to understand how when initiation of the land acquisition proceedings was not done in terms of 1894 Act, the question of continuation of the said proceedings culminating into an award dated 6 February 2016, would not arise. Therefore, award dated 6 February 2016 is non-est in the eye of law. The entire proceedings undertaken by the concerned authority is invalid and cannot have any legal sanctity. We therefore, opine that the acquisition proceedings have lapsed in the present case.

5. It is needless to say that if the land in question is already made use for the purpose for which it is acquired, nothing comes in the way of initiation of fresh proceedings to complete the process of acquisition.

(G.S.KULKARNI, J.)

(CHIEF JUSTICE)