

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10516 of 2017

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges Award No.14 of 2015 passed by the Sub-Collector & Land Acquisition Officer, Vijayawada, *vide* proceedings in Rc.B2/537/2013, dated 29.12.2015.

Heard learned counsel for petitioner and learned Government Pleader for Land Acquisition appearing for respondents.

The only point urged in the present Writ Petition is, since the respondent authorities did not pass Award within one year from the date of issuance of declaration under Section 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act'), the entire proceedings have lapsed. According to the learned counsel for the petitioner, in the present land acquisition proceedings, declaration under Section 6 of the 1894 Act was issued on 02.01.2014, locally published on 02.01.2014, and the Award came to be passed on 29.12.2015, as such, the entire proceedings have lapsed in view of the provisions of Sections 24 and 25 of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

On the contrary, it is submitted by the learned Government Pleader that such interpretation sought to be given to the

provisions of Sections 24 and 25 of Act 30 of 2013 is impermissible and is not the legislative intent. In this context, it is appropriate to refer to the provisions of Sections 24 and 25 of Act 30 of 2013, which read 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

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

25. The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

In the present case, admittedly, local publication of declaration under Section 6 of the 1894 Act was made on 02.01.2014 and the Land Acquisition Officer passed the impugned Award on 29.12.2015. According to Section 24(1)(a), when no Award is passed under Section 11 of the 1894 Act, then all the provisions of Act 30 of 2013 relating to determination of compensation shall *mutatis mutandis* apply to the proceedings already initiated. As per the provisions of Section 25 of Act 30 of

2013, the Collector is obligated to pass Award within a period of one year from the date of publication of the declaration under Section 19 and if no Award is made within that period, the entire proceedings of the land acquisition shall lapse.

In the instant case, on 02.01.2014, the authorities have published the declaration issued under Section 6 of the 1894 Act in the locality and passed the Award under challenge on 29.12.2015. Language of Section 24 of Act 30 of 2013, in clear and unequivocal terms, shows that all the provisions of Act 30 of 2013 relating only to the determination of compensation shall apply but not the period of twelve months as contemplated under Section 25 of Act 30 of 2013. Therefore, the contention of the learned counsel for the petitioner that the entire proceedings have lapsed because of the provisions of Sections 24 and 25 of Act 30 of 2013 does not merit consideration in the considered opinion of this Court.

Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand dismissed. No order as to costs.

A.V.SESHA SAI, J

24th MARCH, 2017.

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