Mangat Ram Tanwar And Another vs Union Of India on 15 March, 1991

Equivalent citations: AIR1991SC1080, AIR 1991 SUPREME COURT 1080, 1991 AIR SCW 932 (1992) 6 LACC 512, (1992) 6 LACC 512

Bench: Ranganath Misra, Chief Justice, M.H. Kania, Kuldip Singh

ORDER

1. On hearing counsel, we find that the point raised is not controversial in nature and perhaps even notice to the Union of India may not be necessary before disposal as the directions which we have to make are neither specific nor to the prejudice of the Union of India.

2. Exercise of the right of eminent domain is not in dispute. Petitioners have assumed themselves to be representatives of that group of land owners whose lands are acquired in the exercise of the right of eminent domain but compensation is not paid for years together following the publication of the preliminary notification under Section 4(1) of the Act or even after dispossession. It has been indicated that even in respect of acquisitions of 1957 and 1962 litigation has still been pending in the referee Court.

3. We would like to point out to the Union of India and the various States and Union territories which under the Land Acquisition Act have the powers to acquire properties of citizens in this country either for themselves or on behalf of others that under the Amending Act of 1984 the liability for compensation has been substantially enhanced and the same has to be paid out of ultimately the State Coffers or the funds of the acquiring authority. Inaction and delay lead to increase of the said liability. It is, therefore, of paramount importance that public money should not be wasted by sitting over applications made by dissatisfied claimants asking for reference to the Court.

4. Serious view should be taken of the fact that application for reference are withheld by the Land Acquisition Officer without disposal for time beyond any explanation. Similarly, references when made under Section 18 of the Act to the Court are treated as ordinary litigation and put into the pipe line for disposal in due course which Sometimes means 12 to 15 years. The Court, is also socially accountable and delayed disposal of a reference which ultimately costs the States heavily has to be taken into account in planning disposal of Court proceedings.

5. We, therefore, direct that the States should ensure disposal of applications for reference to the Court when moved before the Land Acquisition Collector and though the statute has not given a period for disposing of such applications, these applications should be disposed of within three months of being made and the outer limit should not exceed six months. The Land Acquisition Officers should owe explanation to the superiors in the event of delay beyond three months and States should take appropriate care to issue clean and strict orders to the Land Acquisition Officers

inviting their attention to the liability that might arise due to delay in disposal of such applications and State should occasionally even consider sharing of the liability with the Land Acquisition Officers personally either so that the responsibility of the Land Acquisition Officers in the matter may be appropriately realised.

6. We are aware of the problem of back log in most of the Courts. The references under Section 18 should be treated as a class by themselves entitled to priority attention. If care and attention are devoted at the appropriate time, these cases can be easily disposed of by clubbing them group wise and recording evidence after taking the consent of counsel for the parties. Most of the acquisitions these days relate to large patches of land and ordinarily they are covered under one notification. Cases which are covered by a common notification should be clubbed together for which a statutory foundation is available in the Amending Act of 1984 in extending the benefit of higher compensation to all lands covered by a common notification even if dispute is not raised. If that is done the total number of cases where evidence would be necessary is likely to be reduced and better attention can perhaps be given. The High Courts should take special note of the pendency of land acquisition references and where it is possible a Court may be set apart for those cases.

7. We expect every referee Court to dispose of the references ordinarily within one year of receipt of the reference and the outer limit should be the end of the second year. The High Courts in exercise of their controlling powers should ensure enforcement of this position so that all pending references in the subordinate Courts at the original stage may be disposed of within time frame indicated above.

8. We hope and trust that timely initiative would be taken by the State Governments in requiring their officers to comply with our directions and similarly we look forward with hope that the High Courts shall pay appropriate care and attention to ensure that the referee Courts act up to what we have expected of them. Since, it is a beginning in the matter, we do not propose to deal with it any further nor do we want to go beyond the referee Court for the present. Since we have dealt with the matter generally, we do not propose to make any directions in this case.