

Supreme Court of India

Ramesh Chandra Tiwari & Anr vs U.P. Avas Even Vikas ... on 8 January, 1996

Equivalent citations: 1996 SCC (1) 718, JT 1996 (1) 111

Author: S N.P.

Bench: Singh N.P. (J)

PETITIONER:

RAMESH CHANDRA TIWARI & ANR.

Vs.

RESPONDENT:

U.P. AVAS EVEN VIKAS PARISHAD, LUCKN & ORS.

DATE OF JUDGMENT: 08/01/1996

BENCH:

SINGH N.P. (J)

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SINGH N.P. (J)

AHMADI A.M. (CJ)

JEEVAN REDDY, B.P. (J)

CITATION:

1996 SCC (1) 718 JT 1996 (1) 111

1996 SCALE (1) 142

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

The controversy raised in this case is squarely covered by the judgment of this Court in Gauri Shankar Gaur & Ors. v. State of U.P. & Ors. [(1994) 1 SCC 92] wherein this Court had held that the provision of Section 6 of the Land Acquisition Act, 1894 had no application to the acquisition initiated under U.P. Awas Evam Vikas Parishad Adhinyam, 1965 and the procedure prescribed in Sections 28 and 32, as modified by operation of Section 55 read with para 2 of the Schedule would be applicable. Consequently, the Land Acquisition [Amendment] Act 68 of 1984 had no application. The above view was reiterated by this Court in U.P. Avas Evam Vikas Parishad, Lucknow v. Lata Awasthi [(1995) 3 SCC 573]. Consequently, the notification issued under Section 28 and declaration made under Section 38 of the Adhinyam are valid in law. The procedure prescribed under the Adhinyam should prevail. The Amendment Act 68 of 1984 does not apply to the acquisition under

the Adhiniyam. However, in view of the judgment in Gauri Shankar's case [supra], the claimants would be entitled to the compensation determined with reference to the date of declaration under Section 32 of the Act for the reasons mentioned therein.

The appeal is accordingly disposed of.