

CASE LAW ABOUT PRE-EMPTION UNDER SAT ACT SECTION 96 AND NAT ACT SECTION 24

What is pre-emption under SAT ACT 1949:

pre-emption mainly deals with SAT (state acquisition and tenancy act) 1950 section 96 and NAT (non-agriculture tenancy act) section 24 about the sell to a stranger and the co-sharer can claim the right to their property than any other stranger. It mainly prioritizes the right to the co-sharer than the stranger. It predominantly covers the agricultural land. But under 2006, this act is enacted and limits the right to sell or gain by inheriting the property than the right inheriting the property by succession. It excludes the sell on the sector of homestead land. This is not applicable for gift, will, Heba and Islamic law of charity and Hindu law of charity. The petitioner must sue the file if he wants after knowing the notice within three months and after completing the registration within three years. He must pay the compensation 25% with 08% interest.

But if he cannot submit the file within three years, he would not be able to get any remedy according to the equity relief.

UNDER NAT ACT 1949 SECTION 24:

NAT ACT primarily deals with (NON-AGRICULTURAL LAND) including homestead, factory, business or multi project. It restricts the right to the co-sharer on their land. This act is applicable for both by inheriting or by buying the property. If the petitioner wants to sue the file he must sue within four months after knowing and he must pay the sell money with 05% interest.

CASE SUMMARY on Beni prasad vs Lachman prasad 1881

FACTS OF THE CASE:

In this case, Lachman Prasad purchased a piece of land from Beni Prasad's brother which is called by inheriting the property without succession. But the petitioner Beni Prasad sued a file against Lachman Prasad. The defendant inherited the property for acquiring the surroundings of the house.

LEGAL ISSUES:

Could the pre-emption right would be equally applicable for the vendee and the pre-emptor?

JUDGEMENT:

The supreme court held that in favor of the plaintiff in case, the pre-emptor will be prioritized more rather than the vendee because of connecting the relationship of near relatives of the original seller. And the vendee cannot claim any property rights to that property.

MY OBSERVATION:

Pre-emption right always prioritizes the right to the co-sharer by inheriting the property by succession, not by buying as a stranger.

“THE END”

