



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

(1) S.B. Civil Review Petition No. 66/2019

URN: WRW / 81U / 2019

In

S.B. Civil Writ Petition No. 4793/2017

Dinesh Chourasiya S/o Sh. Jagdish Narayan Chourasiya, Aged About 51 Years, Resident Of Raghunath Puri, Taktha, Tonk, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing, Government, Secretariat, Jaipur, (Raj.)
2. Court Of Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur, Rajasthan.
3. Rajasthan Housing Board, Through Assistant Engineer, Tonk (Raj.)

-----Respondents

Connected With

(2) S. B. Civil Writ Petition No. 13319/2021

URN: CW / 29386U / 2021

1. Liyakat Ali Khan S/o Shree Shokat Ali Khan, Aged About 65 Years, Resident Of Bada Kua Devli, Ward No 17, Tonk, District Tonk.
2. Firoz Khan Son Of Mohamad Fayaj, Aged About 35 Years, Resident Of Nayako Ka Mohalla, Talkatora, Tonk, Tehsil And District Tonk.

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary Urban Development And Housing Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Dy. Secretary (Administration), Urban Development And Housing Department, Secretariat, Jaipur.
3. Authorized Officer Cum Land Acquisition Officer, Rajasthan Housing Board, Janpath, Jaipur.
4. Rajasthan Housing Board, Through Its Commissioner, Jyoti Nagar, Jaipur.

-----Respondents



(3) S. B. Civil Writ Petition No. 4179/2025

URN: CW / 10605U / 2025

1. Fayyaz Kha Son Of Shri Mohammad Iliyas Khan, Aged About 66 Years, Resident Of Nayako Ka Mohalla, Tal Katora, Tonk (Raj.)
2. Munna Miya Alias Aizaz Son Of Shri Iliyas Khan, Aged About 58 Years, Resident Of Nayako Ka Mohalla, Tal Katora, Tonk (Raj.)
3. Aasiya Wife Of Shri Gulzar, Aged About 48 Years, Resident Of Nayako Ka Mohalla, Tal Katora, Tonk (Raj.)
4. Nadeem Miya Son Of Shri Mehboob Khan, Aged About 28 Years, Resident Of Talab Ke Andar, Talk Katora, Tonk (Raj.)
5. Farman Son Of Shri Gulzar, Aged About 21 Years, Resident Of Shivaji Nagar, Kampu, Tonk (Raj.)
6. Bibi Alias Jamila Wife Of Shri Kalu Khan, Aged About 60 Years, Resident Of Maholla Tal Katora, Tonk (Raj.)
7. Mukhtar Son Of Shri Iliyas Khan, Aged About 55 Years, Resident Of Sohrab Khan Ki Haveli Ke Pass, Mohallah Talk Katora, Tonk (Raj.)
8. Muskan Wife Of Shri Wahid, Daughter Of Shri Gulzar, Aged About 29 Years, Resident Of Ward No. 18, Taj Colony, Tonk (Raj.)
9. Mustak Son Of Iliyas, Aged About 56 Years, Resident Of Shivaji Nagar, Kampu, Tonk (Raj.)
10. Rayis Miya Alias Raees, Son Of Shri Mehboob Khan, Aged About 48 Years, Resident Of Nayako Ka Kuan, Tal Katora, Ward No. 16, Tonk (Raj.)
11. Roman Son Of Shri Gulzar, Aged About 15 Years, Resident Of Mev Nagar, Deoli Road, Jagdamba Chatrawas Ke Samne, Tonk (Raj.) (Minor) Through Gulzar Khan
12. Sofiya Daughter Of Shri Gulzar, Aged About 13 Years, Resident Of Mev Nagar, Deoli Road, Jagdamba Chatrawas Ke Samne, Tonk (Raj.) (Minor) Through Gulzar Khan
13. Gulzar Khan Son Of Shri Mohammad Iliyas Khan, Aged About 66 Years, Resident Of Nayako Ka Mohalla, Tal Katora, Tonk (Raj.)
14. Shahzad Khan Son Of Shri Iliyas Khan, Aged About 60 Years, Resident Of Shivaji Nagar, Kampu, Tonk (Raj.)





15. Habib Alias Habib Mehboob Son Of Shri Mehboob Khan, Aged About 41 Years, Resident Of Tal Katora, Tonk (Raj.)
Petitioner No. 1 To 14 Are The Khatedar In Khasra No. 62, 65, 67 And 88 In The Village Sevarampura, District-Tonk (Raj.) Area About 5 Bhiga And 01 Biswa, 4 Bhiga And 19 Biswa, 1 Bhiga And 13 Biswa, And 5 Bibha And 11 Biswa. (Khata No. 35 New, Khata No. 26 Old)
16. Mehboob Khan Son Of Shri Jahur Khan, Aged About 60 Years, Resident Of Talab Ke Andar, Talk Katora, Tonk (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
2. Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
3. Rajasthan Housing Board, Through Secretary, Tonk (Raj.)

-----Respondents

(4) S. B. Civil Writ Petition No. 4209/2025

URN: CW / 10655U / 2025

Mohammad Shafik Alias Nagin Son Of Shri Najeer Mohammad, Aged About 65 Years, (Khatedar-Khasra No. 68) Resident Of Nayabo Ka Mahola, Tal Katora, Tonk (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
2. Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
3. Rajasthan Housing Board, Through Secretary, Tonk (Raj.)

-----Respondents

(5) S. B. Civil Writ Petition No. 7566/2025

URN: CW / 17487U / 2025

1. Bibi Alias Jamila Wife Of Late Shri Kalu Khan, Aged About 70 Years, Resident Of Maholla Tal Katora, Tonk (Raj.)
2. Mehboob Kha Son Of Jahur Kha, Aged About 99 Years, Resident Of Talab Ke Andar, Talkatora, Tonk (Raj.) Both





Khatedar Khasra No. 63, 64 And 66

-----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary Secretariat, Jaipur (Raj.)
2. State Of Rajasthan Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
3. Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
4. Rajasthan Housing Board, Through Secretary, Tonk (Raj.)

-----Respondents

(6) S. B. Review Petition No. 70/2019

URN: WRW / 85U / 2019

In

S. B. Civil Writ Petition No. 4792/2017

Manish Gotwal S/o Dinesh Bairwa, Aged About 31 Years, Resident Of Dhanna Talai, Tonk, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
2. Court Of Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur, Rajasthan
3. Rajasthan Housing Board, Through Assistant Engineer, Tonk (Raj.)

-----Respondents

(7) S. B. Civil Writ Petition No. 14081/2021

URN: CW / 30957U / 2021

1. Shahzad Khan S/o Late Ilyaz Khan, Aged About 57 Years, Resident Of Shivaji Nagar Kampu, Tonk Rajasthan
2. Munna Miyan S/o Late Ilyaz Khan, Aged About 55 Years, Resident Of Talkatora, Tonk, Tehsil And District Tonk Rajasthan.
3. Jameela @ Bibi W/o Kalu Khan, Aged About 67 Years, Resident Of Talkatora, Tonk, Tehsil And District Tonk Rajasthan.





4. Fayyaz Khan S/o Late Mohamad Ilyaz, Aged About 63 Years, Resident Of , Nayko Ka Mohalla, Talkatora, Tonk, Tehsil And District Tonk Rajasthan
5. Mukhtar S/o Late Ilyas Khan, Aged About 51 Years, Resident Of Shorab Khan Ke Haveli Ke Paas, Mohalla Talkatora, Tonk, Tehsil And District Tonk Rajasthan
5. Mushtak S/o Late Ilyaz Khan, Aged About 52 Years, Resident Of Shivaji Nagar Kampu, Tonk Rajasthan
7. Mehboob Kha S/o Zahoor Khan, Aged About 66 Years, Resident Of Talab Ke Andar, Talkatora, Tonk, Tehsil And District Tonk Rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Urban Department And Housing Department , Govt. Of Rajasthan, Secretariat, Jaipur.
2. Dy. Secretary (Administration), Urban Department And Housing Department, Secretariat, Jaipur.
3. Authorized Officer Cum Land Acquisition Officer, Rajasthan, Jaipur, Rajasthan Housing Board, Janpath, Jaipur.
4. Rajasthan Housing Board, Through Its Commissioner, Jyoti Nagar, Jaipur.

-----Respondents

(8) S. B. Civil Writ Petition No. 283/2022

URN: CW / 596U / 2022

1. Abdul Gani S/o Gulab Khan, Aged About 53 Years, Resident Of Village Lamba, Tonk Rajasthan
2. Faisal S/o Fayyaj, R/o Plot No 115 And 118, Jyotinagar Nagar, Sevakrampura, Tonk. Rajasthan.
3. Moinuddin S/o Sirajuddin, R/o Plot No.104 Jyotinagar Nagar, Sevakrampura, Tonk. Rajasthan.
4. Jaswant Singh Naruka S/o Samudr Singh Naruka, R/o Plot No 100, Jyotinagar Nagar, Sevakrampura, Tonk. Rajasthan.
5. Om Prakash Sahoo S/o Jagdish Narayan, R/o Plot No.102, Jyotinagar Nagar, Sevakrampura, Tonk. Rajasthan.
6. Asha Ram Gurjar S/o Shyonarayan Gurjar, R/o Main Bazar Banjari, Fuleta, Bajari, Tonk

-----Petitioners





1. State Of Rajasthan, Through Its Principal Secretary, Urban Department And Housing Department , Govt. Of Rajasthan, Secretariat, Jaipur.
2. Dy. Secretary (Administration), Urban Department And Housing Department, Secretariat, Jaipur.
3. Authorized Officer Cum Land Acquisition Officer, Rajasthan, Jaipur, Rajasthan Housing Board, Janpath, Jaipur.
4. Rajasthan Housing Board, Through Its Commissioner, Jyoti Nagar, Jaipur.

----Respondents

(9) S. B. Civil Writ Petition No. 3344/2022

URN: CW / 6396U / 2022

Ram Kishan Gothwal S/o. Chandanal Gothwal, Aged About 46 Years, Resident Of 26-A, Gopi Nagar, Near Sanganer Railway Station, 80 Feet Road, Sanganer, Jaipur District Jaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
2. Court Of Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur, Rajasthan.
3. Rajasthan Housing Board, Through Assistant Engineer, Tonk (Raj.)

----Respondents

(10) S. B. Civil Writ Petition No. 15970/2022

URN: CW / 32166U / 2022

Petitioner:-

Rajesh Nayak S/o Sh. Lakshmi Narayan Nayak, Aged About 40 Years, R/o Talkatora Tonk Rajasthan

Versus

Respondents:-

1. State Of Rajasthan, Through Secretary Department Of Urban Development And Housing Govt. Secretariat Jaipur Rajasthan
2. Court Of Special Officer, Department Of Urban Development And Housing Rajasthan Housing Board Jaipur Rajasthan





3. Rajasthan Housing Board, Through Assistant Engineer Tonk

(11) S. B. Civil Writ Petition No. 17693/2022

URN: CW / 35709U / 2022

1. Kailashi Devi Sahu W/o Sarwan Lal Sahu, Aged About 60 Years, Resident Of Plot No 98 A Shastri Nagar Tonk At Presnt Plot No. 182 Jyoti Nagar, Devli Road Tonk Rajasthan.
2. Shikhar Chand Jain Son Of Puran Mal Jain, Resident Of E 7 Adarsh Nagar Tonk Road, Tonk At Present Plot No. 7 And 236 Jyoti Nagar, Devli Road Tonk Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Urban Improvement Department, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Dy. Secretary (Administration), Urban Improvement Department Cum Land Acquisition Officer, Secretariat, Jaipur.
3. Authorized Officer, Urban Improvement And Housing Board Department, Rajasthan, Jaipur, At Present Office Rajasthan Housing Board, Janpath, Jaipur.
4. Rajasthan Housing Board, Through Its Chairman, Jaipur.

-----Respondents

(12) S. B. Civil Writ Petition No. 7297/2024

URN: CW / 14978U / 2024

1. Anita Devi W/o Shri Sanjay Kumar Jain,
2. Smt. Munni Devi W/o Nandlal Ji Jain,
Both Resident Of Adarsh Nagar, Tonk (Raj.) Through Their Power Of Attorney Holder Sanjay Jain S/o Shri Nand Lal Jain, Aged 44 Years, Resident Of Adarsh Nagar, Tonk (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
2. Court Of Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur, Rajasthan.
3. Rajasthan Housing Board, Through Assistant Engineer, Tonk (Raj.).





-----Respondents

(13) S. B. Civil Writ Petition No. 4176/2025**URN: CW / 10599U / 2025**

1. Firoz Khan Son Of Shri Mohammad Iliyas, Aged About 41 Years, Resident Of Nayako Ka Mahollah, Tal Katora, Tonk (Raj.)
2. Faisal Khan Son Of Shri Mohammad Iliyas, Aged About 27 Years, Resident Of Nayako Ka Mahollah, Tal Katora, Tonk (Raj.) (Khatedar Khasra No. 126, Village- Sevarampura, Tonk (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.).
2. Special Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
3. Rajasthan Housing Board Through Secretary, Tonk (Raj.)

-----Respondents

(14) S. B. Civil Writ Petition No. 7565/2025**URN: CW / 17483U / 2025**

Shri Suraj Mal Sahu Son Of Shri Rameshwar Sahu, Aged About 57 Years, Resident Of Rameshvar Halwai, Panch Batti, Tonk, (Raj.) 304001

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, State Of Rajasthan, Jaipur.
2. State Of Rajasthan, Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
3. Land Acquisition Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
4. Rajasthan Housing Board, Through Secretary, Tonk (Raj.)

-----Respondents



(15) S. B. Civil Writ Petition No. 7567/2025
URN: CW / 17489U / 2025

Prakash Sahu Son Of Shri Suraj Mal Sahu, Resident Of Rameshvar
Halwai, Panch Batti, Tonk, (Raj.) 304001

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, State Of Rajasthan, Jaipur.
2. State Of Rajasthan, Through Principal Secretary, Department Of Urban Development And Housing Government, Secretariat, Jaipur (Raj.)
3. Land Acquisition Officer, Department Of Urban Development And Housing, Rajasthan Housing Board, Jaipur (Raj.)
4. Rajasthan Housing Board, Through Secretary, Tonk (Raj.)

-----Respondents

For Petitioners	: Mr. Ashok Bansal Advocate. Mr. Pallav Choudhary Advocate. Mr. Ayush Bansal Advocate. Mr. Sameer Sharma Advocate. Mr. Aditya Joshi Advocate. Mr. Puneet Garg Advocate. Ms. Meera Bai Advocate. Mr. Vikas Kabra Advocate. Mr. Praveen Kumar Jain Advocate.
For Respondents	: Ajay Shukla Advocate with Mr. Shivam Sharma Advocate, Mr. Raghav Sharma Advocate, Ms. Jyoti Sharma Advocate. Mr. Tanmay Jain Advocate. Mr. V.D. Gathala Additional Government Counsel with Mr. Umesh Chaudhary Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

08/07/2026

1. By way of filing the above writ petitions, the petitioners have challenged Notifications dated 12.10.2011, Declaration dated



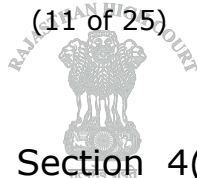
15.04.2013 and Award dated 01.03.2017 issued under Section 4, 6 and 11 of the Land Acquisition Act, 1894 respectively and have prayed for quashing the entire acquisition proceedings along with the award.



As regards, S.B. Civil Review Petitions No. 66/2019 and 10/2019 are concerned, the same have been filed by the petitioners with a prayer to recall and review orders dated 19.07.2017 passed by the Co-ordinate Bench of this Court, whereby writ petitions filed by the petitioners challenging acquisition proceedings and award were dismissed in limine. Learned counsel for the review petitioners submitted that feeling aggrieved by the orders passed by the Co-ordinate Bench of this Court, the review petitioners preferred D.B. Special Appeals Writ No. 1160/2017 and 1168/2017 before the Division Bench of this Court. Above Special Appeals were dismissed vide order dated 02.11.2018, whereby liberty was granted to the review petitioners to file application before the learned Single Judge and it was also observed that in the event of filing such applications, the Single Judge shall decide the same as per law. Hence, the above review petitions have been filed by the review petitioners.

3. Since the facts, cause of action and grievances in all the above cases are almost similar, and the all the petitions have arisen out of the same acquisition proceedings, therefore, with the consent of the parties, they were heard together and are being decided by this common judgment.

4. The facts, in brief, are that the State Government initiated acquisition proceedings in respect of land measuring 599 Bighas and 11 Biswas under the provisions of the Land Acquisition Act, 1894 (hereinafter to be referred as 'the Act of 1894') for the purpose of establishing residential housing scheme of the Rajasthan Housing



Board. A notification under Section 4(1) of the Act of 1894 was issued on 12.10.2011, proposing acquisition of the aforesaid land for a public purpose. The said notification was published in the Official Gazette on 14.10.2011 and was thereafter, published in two newspapers on 29.01.2012 in compliance with the statutory requirements. Subsequently, public notices of the substance of notification were issued to the affected allottees/landholders on 04.05.2012. Thus, last date of publication of notification under Section 4 was 04.05.2012.

5. Thereafter, after considering objections of the land owners, the Land Acquisition Officer submitted report under Section 5A of the Act of 1894 to the State Government. After satisfying with the public purpose, the State Government issued a declaration under Section 6 of the Act of 1894 on 15.04.2013 in respect of the acquisition of the aforesaid land. The declaration under Section 6 of the Act of 1894 was subsequently published in the newspapers namely Dainik Navjyoti and Samachar Jagat on 10.02.2015. Following the declaration, the public notice was issued on 10.03.2015, which was the last date of publication of declaration under Section 6 of the Act of 1894. Further, public notices under Section 9(1) of the Act of 1894 were issued on 23.03.2015. Notices under Section 9(3) of the Act of 1894 were thereafter served upon the affected allottees on 29.10.2015. Simultaneously, the landholders were also afforded an option, in terms of the prevailing Government policy, to opt for allotment of developed land in lieu of monetary compensation.

6. It is not in dispute that though acquisition proceedings had commenced under the Act of 1894, however, no award had been passed prior to 01.01.2014, i.e., the date on which the Right to Fair





Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013') came into force. Ultimately, the award came to be passed on 01.03.2017, purportedly under Section 11 of the Act of 1894 read with Section 24 of the Act of 2013.

The grievance of the petitioners is that the award dated 1.03.2017 was passed long after the expiry of the period prescribed under the law. According to the petitioners, once no award had been made before 01.01.2014, the proceedings became governed by Section 24(1)(a) of the Act of 2013 and in view of Section 25 thereof, the award was required to be passed within a period of one year from the commencement of the Act of 2013. Since the award was passed only on 01.03.2017, i.e., more than three years after the enforcement of the Act of 2013 and nearly four years after issuance of the declaration under Section 6 of the Act of 1894, the petitioners contend that the acquisition proceedings stood vitiated and could not have culminated in a valid award.

8. Learned counsel for the petitioners submitted that in cases falling under Section 24(1)(a) of the Act of 2013, the limitation for making the award is governed by Section 25 of the Act of 2013 and not by Section 11A of the repealed Land Acquisition Act, 1894.

9. Learned counsel for the petitioners emphasised that in view of Section 25 of the Act of 2013, the District Collector was required to make the award within a period of twelve months from the commencement of the Act of 2013. Since the award was ultimately passed on 01.03.2017, i.e., more than three years after 01.01.2014, the same is ex-facie beyond the period prescribed under law and is, therefore, unsustainable. It is submitted that once the statutory period prescribed for making the award had expired, the





acquisition proceedings could not lawfully culminate in an award and the impugned award deserves to be declared void and non est in the eye of law.

10. Learned counsel for the petitioners strongly placed reliance on the judgment of the Hon'ble Supreme Court in **The Executive Engineer, Gosikhurd Project Ambadi, Bhandara, Maharashtra Vidarbha Irrigation Development Corporation vs. Mahesh & Others, (2022) 2 SCC 772** and submitted that the issue is no longer res integra and stands conclusively settled by the above judgment.

11. It is also argued that the respondents have failed to point out any statutory exclusion of time or any interim order passed by a competent court which could justify extension of the period prescribed under Section 25 of the Act of 2013. In the absence of any such legally recognized exclusion, the award having been passed after the expiry of the mandatory period prescribed by law is rendered invalid and unenforceable.

12. Learned counsel for the petitioners further submitted that although impugned award was passed on 01.03.2017, yet till this date, neither monetary compensation has been paid to the Khatedars, nor the same has been deposited with the competent authority. That apart, possession of land in question is still with the petitioners and has not been taken so far by the respondents. Thus, the land in dispute has not yet vested with the respondents.

13. While adopting all the arguments of counsel for the writ petitioners, learned counsel for the review petitioners in Review Petitions No. 66/2019 and 70/2019 submitted that since there was an error apparent on the face of record in earlier orders dated ~~19.07.2017~~ passed by the learned Single Judge to dismiss the writ





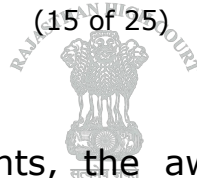
petitions in limine, as instead of examining the award and proceedings at the touchstone of Section 24(1)(a) read with Section 25 of the Act of 2013, learned Single Judge relied upon Section 11A of the Act of 1894 to dismiss the writ petitions. Under these circumstances, reiterating the above arguments, learned counsel for the review petitioners also prayed for allowing the review petitions as well as writ petitions filed by them.

14. Per contra, learned counsel appearing for the respondents opposed the writ petitions and submitted that the acquisition proceedings were initiated much prior to the enactment of the Act of 2013 and substantial steps had already been undertaken under the provisions of the Act of 1894. It is submitted that notifications under Sections 4 and 6 of the Act of 1894 were duly issued and published and thereafter, notices under Sections 9(1) and 9(3) were also served upon the affected landholders. According to the respondents, the acquisition proceedings were pursued continuously and substantially complied with the statutory requirements.

15. Learned counsel contended that the acquisition in question pertains to a large tract of land involving numerous landholders and allottees and, therefore, considerable administrative exercise was required before finalisation of the award. It is submitted that notices were issued to all concerned persons and they were also afforded an opportunity to opt for developed land in lieu of compensation in accordance with the applicable Government policy. Consequently, the time consumed in completion of the acquisition process cannot, by itself, be construed to invalidate the proceedings.

16. It is further submitted that the object of Section 24 of the Act of 2013 is to save and continue pending acquisition proceedings and not to frustrate acquisitions undertaken for public purposes.





According to the respondents, the award dated 01.03.2017 was passed after following the prescribed procedure and after considering the rights and claims of all affected persons. The acquisition having substantially progressed and the award having already been made, interference at this stage would seriously prejudice the public purpose for which the land was acquired.

7. On the aforesaid premises, learned counsel prayed for dismissal of the review petitions as also writ petitions and submits that the award dated 01.03.2017 and the consequential acquisition proceedings do not warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

18. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy involved in the present case lies in a narrow compass. The foundational facts are not in dispute. The acquisition proceedings were initiated under the provisions of the Land Acquisition Act, 1894 by issuance of notification under Section 4(1) of the Act of 1894 on 12.10.2011, followed by declaration under Section 6 on 15.04.2013. It is equally undisputed that no award had been passed till 01.01.2014, the date on which the Act of 2013 came into force. The award ultimately came to be passed on 01.03.2017.

19. The principal issue, therefore, which arises for consideration is as to whether the award dated 01.03.2017 could legally have been passed after commencement of the Act of 2013 and whether the same satisfies the mandate of Section 24(1)(a) read with Section 25 of the Act of 2013.

20. Before adverting to the rival submissions, it would be apposite to reproduce Section 24(1)(a) of the Act of 2013:



"24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.-(1)

Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 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 (1 of 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."

21. A plain reading of the aforesaid provision leaves no manner of doubt that where no award under Section 11 of the Act of 1894 had been passed before commencement of the Act of 2013, the proceedings survive, but thereafter they become subject to the regime contemplated under the Act of 2013.

22. Section 25 of the Act of 2013 reads thus:

"25. Period within which an award shall be made.—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."

23. This Court finds that in the present case land acquisition proceedings were initiated under the Act of 1894, however, no award





was passed as on 01.01.2014, i.e., the date on which the of 2013 Act came into force. After examining the scheme of the repealed Act of 1894 vis-à-vis the provisions of the 2013 of Act, it becomes clear that Section 24(1)(a) of the Act of 2013 is a transitional provision intended to facilitate the migration of pending acquisition proceedings from the old enactment to the new legislative framework. Although such proceedings do not lapse merely because an award had not been passed prior to 01.01.2014, once the matter falls within the ambit of Section 24(1)(a) of the Act of 2013, yet all subsequent stages of acquisition are required to be governed by the provisions of the 2013 Act.

24. In view of above, the question arises as to whether the limitation prescribed under Section 11A of the Act of 1894, which required the making of an award within two years from the date of publication of the declaration under Section 6, would continue to apply after the repeal of the 1894 Act.

25. Meticulous examination of the scheme of the Act of 2013 as well as the repealed Act of 1894, it becomes clear that Section 11A of the Act of 1894, being a provision of the repealed enactment, cannot survive independently unless expressly saved by the subsequent legislation. In view of the scheme of Section 24 and the repeal and saving provisions contained in Section 114 of the Act of 2013, it becomes clear that there is no legislative indication preserving the applicability of Section 11A of the Act of 1894 in respect of proceedings governed by Section 24(1)(a) of the Act of 2013. Consequently, the limitation prescribed under Section 11A of the Act of 1894 stands eclipsed and the matter is thereafter governed exclusively by the provisions of the 2013 Act.



26. It also deserves notice that the period for making the award in such cases is governed by Section 25 of the 2013 Act, which mandates that the Collector shall make an award within a period of twelve months. The said period of twelve months would commence from 01.01.2014 because Section 25 itself became operative only upon the enforcement of the 2013 Act. Any interpretation permitting continued application of Section 11A of the repealed Act of 1894 would defeat the legislative intent underlying Section 24 and would create an anomalous situation whereby a repealed statute would continue to regulate substantive aspects of proceedings intended to be governed by the new enactment.

27. Thus, it becomes abundantly clear that Section 24(1)(a) of the Act of 2013 constitutes a self-contained transitional mechanism and that once a case falls within its ambit, the rights and obligations of the parties, including the limitation for making the award, must be determined with reference to the provisions of the Act of 2013. Notably repeal of the Act of 1894 was not merely formal in nature, but represented a conscious legislative shift to a new acquisition regime providing enhanced safeguards and benefits to landowners. Therefore, pending proceedings saved under Section 24(1)(a) of the Act of 2013 are required to be carried forward in accordance with the framework of the 2013 Act.

28. Thus, even if the respondents are granted the benefit of the entire period contemplated under Section 25 of the Act of 2013, the award ought to have been passed on or before 31.12.2014, unless the respondents are able to demonstrate existence of any legally permissible exclusion of time.

29. Significantly, no material has been placed on record by the respondents to show that the operation of the acquisition





proceedings was stayed by any competent court or that there existed any statutory impediment preventing the passing of the award during the relevant period. No order excluding any period from computation of limitation has been brought to the notice of this court. In absence thereof, the respondents cannot seek extension of mandatory statutory timeline by administrative explanations or procedural difficulties.

30. The contention advanced on behalf of the respondents that substantial steps had already been undertaken under the Act of 1894 and that the acquisition was intended to serve a public purpose, cannot override an express statutory mandate. It is settled law that where a statute prescribes that a particular act is to be performed within a specified period, the authorities exercising statutory powers are bound by such prescription. Public purpose, however laudable, cannot authorise continuation of proceedings in derogation of a legislative command.

31. It is settled preposition of law, land acquisition laws are expropriatory in nature and when such statute creates a power and simultaneously prescribes the manner and period within which such power is to be exercised, the authority must act strictly within four corners of the statute. Any other interpretation would render the statutory limitation otiose and defeat the legislative intent.

32. This Court is also unable to accept the submission that the award dated 01.03.2017 deserves to be sustained on the ground of substantial compliance. The Act of 2013 was enacted to provide a more transparent, fair and rights-oriented acquisition regime. The timelines incorporated therein are not mere procedural formalities but constitute substantive safeguards intended to protect landowners from indefinite uncertainty and prolonged acquisition proceedings.—



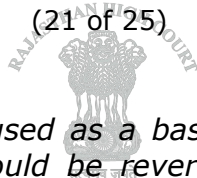


33. Furthermore, the statement made on behalf of the petitioners that although award was passed on 01.03.2013, yet till this date, neither compensation awarded therein has been paid to the land owners, nor has been deposited with the competent authority as well as the statement that possession of the land in question has not been taken so far and is still lying with the petitioners, has not been controverted or disputed by the respondents in any manner. Hence, in view of above, conclusive position arises that till date land in question has not vested with the respondents.

34. Viewed from another angle, acceptance of the respondents' contention would virtually amount to permitting the authorities to keep acquisition proceedings pending for an indefinite duration despite the legislative mandate to conclude the process within a specified time frame. Such an interpretation would be contrary to the object and spirit of the Act of 2013 and would directly run counter to the law declared by the Hon'ble Supreme Court in **The Executive Engineer, Gosikhurd Project Ambadi, Bhandara, Maharashtra Vidarbha Irrigation Development Corporation vs. Mahesh & Others (supra)**. In the above judgment, it has been held as under:

"17. Dealing with the interplay of vested rights and retrospective application of statutes, Indore Development Authority (LAPSE-5 J.) v. Manoharlal, (2020) 8 SCC 129 refers to several decisions to draw a distinction between "rights" and "procedure", to observe that the question of extent of retrospectivity would also depend upon the degree of unfairness it causes to the parties. Thus, if the limitation period is shortened but the claimant has time to sue before the expiry of the shortened period, then notwithstanding that he is likely to be statutorily barred if he does not sue within the shortened period, retrospectivity may be given effect to. We add that when the law extends the limitation period, benefit of extended period applies to proceedings to be initiated that are not time-barred. Per contra, if the limitation period is extended after the shorter limitation period has already expired, which could have been an absolute defence for the party sued, then it may not be fair to deprive the party sued of the accrued right of claiming such defence. Further, absence of express limiting





words is not to be used as a basis for implying retrospective operation as this would be reverse of the true presumption. However, presumption in favour of retrospectivity may be necessary when distinct implications typically arise in the context of the statute which repeals a previous statute, and would leave a "lacuna" if the new statute were not construed as having retrospective effect. A statute which is prospective in its direct operation cannot be called as retrospective because a part of the requisites for its action is drawn from time antecedent to its passing. Another cardinal principle of interpretation is that a construction which results in unreasonably harsh and absurd results must be avoided. These dictums being relevant would help us resolve and answer the question in issue.

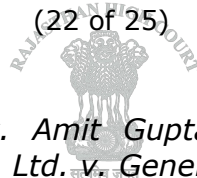
18. In para 295 of *Indore Development Authority (LAPSE-5 J.) v. Manoharlal*, the Constitution Bench held that the 2013 Act operates prospectively. Further, Section 114 of the 2013 Act effects a repeal but with certain savings, in accordance with Section 24. Thus, the acquisition proceedings are preserved under the 1894 Act till the stage of making of the award. Where an award is not made, the provisions relating to determination of compensation under the 2013 Act would apply; where the award is made, proceedings would continue under the provisions of the 1894 Act as if the said Act has not been repealed. Our interpretation of Section 24(1) of the 2013 Act respectfully follows this precedent.

19. Clearly, Section 11-A of the 1894 Act and Section 25 of the 2013 Act prescribe two different periods of limitation with adverse consequences, as on failure to make the award the acquisition proceedings lapse. The choice is between Section 11-A of the 1894 Act and Section 25 of the 2013 Act. [In para 33 below we have rejected the State's alternative argument that the legislature has not prescribed any period for making of an award under Section 24(1)(a) of the 2013 Act. See also para 32.] Absence of precise words or express declaration would not inhibit us from interpreting and exercising the right choice, keeping in view the language as also the object and purpose of clause (a) to Section 24(1) of the 2013 Act. In other words, we have to give effect and meaning to the underlying intention of Parliament in the words "all the provisions relating to determination of compensation" under the 2013 Act.

20. We begin by examining the phrasing of clause (a) to Section 24(1) of the 2013 Act. We would prefer to read the words "all the provisions relating to determination of compensation" in Section 24(1)(a) as including the period of limitation specified in Section 25 of the 2013 Act. To elaborate, the word "all" and the expression "relating to" used in Section 25 are required to be given a wide meaning to ensnare the legislative intent. The expressions "relating to" or "in relation to" are words of comprehensiveness which may have a direct as well as indirect significance depending on the context. [*State Wakf Board v. Abdul Azeez Sahib*, 1966 SCC OnLine Mad 80]

21. Similarly, interpreting Section 129-C of the Customs Act, 1962, this Court while giving the phrase "in relation to" a narrower meaning of direct and proximate relationship to the rate of duty and to the value of goods for purpose of assessment, did observe that ordinarily the phrase "in relation to" is of a wider import. *Navin Chemicals Mfg. & Trading Co. Ltd. v. Collector of Customs*, (1993) 4 SCC 320 Several cases assigning a wider import to the expression "relating to", in view of the contextual background, find reference in *Gujarat Urja*





Vikas Nigam Ltd. v. Amit Gupta, (2021) 7 SCC 209. In *Renusagar Power Co. Ltd. v. General Electric Co.*, (1984) 4 SCC 679, this Court held that the term "in relation to", when used in the context of arbitration clause, is of widest amplitude and content.

22. In *Mansukhlal Dhanraj Jain v. Eknath Vithal Ogale*, (1995) 2 SCC 665 the expression "relating to" in the context of the Small Cause Courts Act, 1887 has been held to be comprehensive in nature that would take in its sweep all types of suits and proceedings which are concerned with recovery of possession. Broad and wider interpretation was again preferred in *Doypack Systems (P) Ltd. v. Union of India*, (1988) 2 SCC 299, observing that the expression "in relation to" is a very broad expression which presupposes another subject-matter. In *Doypack Systems (P) Ltd. v. Union of India*, in the context of Section 3 of the Swadeshi Cotton Mills Company Ltd. (Acquisition and Transfer of Undertakings) Act, 1986, the expression "relating to" was held to mean "bring into association or connection with". *Doypack Systems (P) Ltd. v. Union of India*, (1988) 2 SCC 299, para 50 The words are comprehensive and might have both direct as well as indirect significance. The decision in *Gujarat Urja Vikas Nigam Ltd. v. Amit Gupta* refers to *Corpus Juris Secundum*, wherein the expression "relating to" has been held to be equivalent to or synonymous with as to "concerning with" and "pertaining to". It has been observed that the expression "pertaining to" is an expression of expansion and not of contraction.

23. The expression "relating to" when used in legislation normally refers to "stand in some relation, to have bearing or concern, to pertain, to refer, to bring into association with or connection with". [See judgment of Mitter, J. (para 308) in *Madhav Rao Jivaji Rao Scindia v. Union of India*, (1971) 1 SCC 85.] Therefore, the expression "relating to" when used in legislation has to be construed to give effect to the legislative intent when required and necessary by giving an expansive and wider meaning. Given this trend in interpretation, the words "all the provisions of this Act relating to the determination of compensation" must not be imputed a restricted understanding of the word "relating" only to the substantial provisions on calculation of compensation, that is, Sections 26 to 30 of the 2013 Act. Rather, the expression should be given an expansive meaning so as to include the provision on limitation period for calculation of compensation, that is, Section 25 of the 2013 Act.

24. Law of limitation is generally regarded as procedural as its object is not to create any right but prescribe periods within which legal proceedings should be instituted for enforcement of rights or adjudication orders should be passed. Statutes of limitation, therefore, have retrospective effect insofar as they apply to all legal proceedings brought after they come into force. However, the laws relating to limitation have been held to be prospective in the sense that they do not have the effect of reviving the right of action which is already barred on the date of their coming into operation, nor do they have the effect of extinguishing a right of action subsisting on the date. In this sense, the limitation provisions can be procedural in the context of one set of facts and substantive in the context of a different set of facts. Therefore, unless the language of the provision dealing with period of limitation clearly manifests, in express terms or by necessary implication, a contrary intention divesting vested rights, such provision is to be construed as prospective. In the context of clause (a) to Section 24(1) of the





2013 Act, it is to be stated that the said clause would apply only if the period for making of an award had not ended and time was available as on 1-1-2014. Where and if the period for making of the award had already lapsed before 1-1-2014, clause (a) to Section 24(1) would not apply so as to deprive and deny the vested rights which have already accrued in favour of the landowners. The present case is not of divesting of vested rights of the landowners on enactment of the 2013 Act.

29. Given the object and purpose behind Sections 24 and 26 to 30 of the 2013 Act, we notice that practical absurdities and anomalies may arise if the two-year period for making of an award in terms of Section 11-A of the 1894 Act commencing from the date of issue of the declaration is applied to the awards to be made under Section 24(1)(a) of the 2013 Act. This would mitigate against the underlying legislative intent behind prescription of time for making of an award in respect of saved acquisition proceedings initiated under the repealed 1894 Act, which is twofold : (i) to give sufficient time to the authorities to determine compensation payable under the 2013 Act; and (ii) to ensure early and expedited payment to the landowners by reducing the period from two years under Section 11-A of the 1894 Act to twelve months under Section 25 of the 2013 Act. In case of declarations issued in January 2012, on application of Section 11-A of the 1894 Act, the time to determine compensation under the 2013 Act would vary from a day to a month, and while in cases where the declarations were issued within twelve months of the repeal of the 1894 Act, the landowners would be at a disadvantage as an award beyond the twelve-month period specified in Section 25 of the 2013 Act would be valid. In the first set of cases, given the onerous factual and legal exercise involved in determination of compensation and the need to issue notification under Section 26(2) of the 2013 Act, publication of the awards would be impractical. Hasty and incorrect awards would be deleterious for the landowners. If the awards are not pronounced, the acquisition proceedings would lapse defeating the legislative intent behind Section 24(1)(a) of the 2013 Act to save such proceedings. We would, therefore, exercise our choice to arrive at a just, fair and harmonious construction consistent with the legislative intent.

30. A rational approach so as to further the object and purpose of Sections 24 and 26 to 30 of the 2013 Act is required. We are conscious that Section 25 refers to publication of a notification under Section 19 as the starting point of limitation. In the context of clause (a) to Section 24(1) of the 2013 Act there would be no notification under Section 19, but declaration under Section 6 of the 1894 Act. When the declarations under Section 6 are valid as on 1-1-2014, it is necessary to give effect to the legislative intention and reckon the starting point. In the context of Section 24(1)(a) of the 2013 Act, declarations under Section 6 of the 1894 Act are no different and serve the same purpose as the declarations under Section 19 of the 2013 Act.

31. Consequently, we hold that in cases covered by clause (a) to Section 24(1) of the 2013 Act, the limitation period for passing/making of an award under Section 25 of the 2013 Act would commence from 1-1-2014, that is, the date when the 2013 Act came into force. Awards passed under clause (a) to Section 24(1) would be valid if made within twelve months from 1-1-2014. This dictum is subject to the caveat stated in paras 20 to 23 [Ed.: This precise caveat could not be found in





paras 20 to 23. However, para 14 and para 24 may be referred to as being closest in reference.] (supra) that a declaration which has lapsed in terms of Section 11-A of the 1894 Act before or on 31-12-2013 would not get revived.

56. *In view of the aforesaid discussion, we hold as under:*

56.1. *Section 25 of the 2013 Act would apply to the awards made and published under Section 24(1)(a) of the 2013 Act.*

56.2. *The limitation period for passing/making of an award under Section 24(1)(a) in terms of Section 25 of the 2013 Act would commence from 1-1-2014, that is, the date when the 2013 Act came into force."*

5. Principles laid down in the above judgment by the Hon'ble Supreme Court can be summarised as following:

- (i) Section 24(1)(a) of the Act of 2013 is a complete transitional code governing acquisition proceedings in which no award had been passed before 01.01.2014;
- (ii) Such proceedings do not lapse merely because the award was not made before commencement of the 2013 Act;
- (iii) all further stages of acquisition are governed by the provisions of the 2013 Act;
- (iv) the limitation for making the award is regulated by Section 25 of the 2013 Act and not by Section 11A of the repealed Land Acquisition Act, 1894;
- (v) the period prescribed under Section 25 of the Act of 2013 begins to run from 01.01.2014;
- (vi) Section 11A of the 1894 Act does not survive or continue to operate in proceedings covered by Section 24(1)(a) of the Act of 2013.

36. In the considered opinion of this Court, once it is admitted that no award existed on 01.01.2014 and the award ultimately came to be passed only on 01.03.2017, the inevitable consequence is that the award was made beyond the period recognised by law. The





respondents having failed to establish any legally sustainable ground for exclusion or extension of time, the award cannot be sustained.

37. The writ petitions as well as the review petitions, therefore, deserve to be allowed and the same are hereby allowed.

Accordingly, this Court holds that the award dated 01.03.2017 having been passed in violation of the mandate of Section 24(1)(a) read with Section 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is unsustainable in law and is therefore quashed. Consequently, entire acquisition proceedings relating to such award and founded upon the said award are hereby set aside.

38. Pending applications, if any, also stand disposed of.

39. Office is directed to place a copy of this judgment on record of each connected petitions.

(ANAND SHARMA),J

MANOJ NARWANI/111-126/