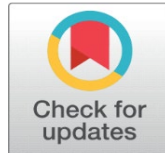
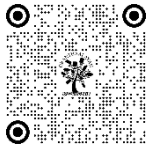


PROCEDURE FOR ACQUISITION OF LAND IN INDIA

Dr. Pramod Tiwari¹, Dr. Prabhat Kumar²

¹Assistant Professor (Senior Scale) Law Centre II, Faculty of Law, University of Delhi

²Assistant Professor, Law College Dehradun, Uttarakhand University



ABSTRACT

The land is so essential to the existence of all human beings, that every system of law recognizes and protects a formidable list of rights connected with it. For every country, the land is important and people use the land as a source for food, a place to live, a place to work, etc. India is an agrarian country, wherein land has always been an important source of income and authority but ownership rights of land have remained very complex and ambiguous. During the ancient and medieval periods, we find individual, community and State ownership of land. However, during British rule, this was changed.

DOI

[10.29121/shodhkosh.v5.i2.2024.2281](https://doi.org/10.29121/shodhkosh.v5.i2.2024.2281)

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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Keywords: Land Acquisition, Government, Authority, Land Laws etc.



1. INTRODUCTION

In our modern society, the law relating to the acquisition of land is concerned with the process of how to acquire land because the government and its agencies take privately owned land. It comprises the rights and obligations of both, the first one is the authority who is taking the land and the second one is, whose land is being taken.¹

This article discusses procedures for the acquisition of land by the competent authority, under the Land Acquisition Act, 2013. The 2013 Act does not provide chronological order for the procedure of acquisition of land. This article lays out the procedure for the acquisition of land in the chronological order in which it should occur.

Government acquires land for various reasons and the public purpose is one of the most important reasons for land acquisition. Today either the Central Government or the State Government takes land for various development-related activities such as expressways, metro rail projects, airports, reservoirs, naval bases, defense purposes, prisons, police stations, government schools, public parks, etc. In the present time, democratic system does not allow the government to acquire land in an autocratic and ruthless manner. Under the Land Acquisition Act, 2013 the owner is entitled to fair treatment and the purpose of the law is to ensure that he is treated justly.²

¹ Douglas Brown, *Land Acquisition: An Examination of the Principles of Law Governing the Compulsory Acquisition or Resumption of Land in Australia and New Zealand* 176 (1stedn., 1972)

² *Id.* at 178

2. SOVEREIGN RIGHT OF ACQUISITION (SRA)

In this theory, compulsory acquisition of private property by the government is considered to be within the legitimate purview of State authority. The concept of compulsory acquisition of property evolved from the jurisprudential thought of eminent domain, it says that government can acquire any part of the land which comes within its territory in the view of public urgency or public goods. When we look into the historical background of eminent domain, we can say that before the establishment of the British Empire in India, Indian rulers exercised the principle of eminent domain as dictatorial power of the State.³

Indian medieval rulers exercised the principle of eminent domain when Sher Shah took control of the Mughal Empire in 1540. He was the original architect of what is now known as the completed stretch of the Grand Trunk Road. In a like manner, during the beginning of the eighteenth century, Nawab of Bengal Mir Zumla shifted his capital from Bengal to Dhaka. During this period, Nawab Mir Zumla acquired land by beating drums at night. People of that area confirmed that they had heard the sound of the drum at night. During eighteenth-century message for the acquisition of land was communicated through the sound of the drum. Control over the land by a monarch was unquestionable and compensation, rehabilitation, resettlement was also unimaginable.⁴

When the East India Company came to India and started controlling the territory of India, during this period, the actual small farmers or tillers of land were treated as tenants by the Britishers. For example, ownership of land was always vested with the Zamindars, Jagirdars, and other Indian landowners paying directly to the British. Although the ultimate power of land acquisition lied with the British Crown.⁵

The right of the State to appropriate land for public use is an inherent and unquestionable right of the government to govern. It is an integral part of the Sovereign Government. The government in any nation will not survive without the power to acquire the land. The Theory of Austinian says that law is a type of command and is laid down by a political sovereign authority that its subjects are required to obey. In *Cincinnati v. Louisville etc. Railway Company*⁶, the Supreme Court in the United State of America has given the opinion that the government has the power to acquire land for the public good and the development of the public. It is an indisputable right to acquire land. Justice Lurtors further said that the right of State over land is unquestionable. Without the power of acquisition of land, the government could not perform their function in a good manner. So, the right of every State to authorize the appropriation of every description of the property for a public purpose is one of those inherent powers which belong to State Governments. But there is an exception also that if any question arises that whether an executive authority has exercised its power improperly then Courts will not deny going into the merit of the case and the Courts are prepared to determine the legality of taking possession of the land.

3. COMPULSORY PURCHASE CONTRACT

In *Marquis of Salisbury v. Great Northern Railways Co.*⁷, Lord Campbell propounded the 'compulsory purchase contract theory' relating to acquisition of land. This theory classifies the Crown as a purchaser and the owner of the land to be acquired as a vendor. It regards the acquisition as being a contract in which the vendor must sell his land to one purchaser, the Crown. Both parties to the contract are able to negotiate the term of the contract with one exception of the fundamental term, namely that the vendor must sell and the purchaser must buy.

In *Tiverton and North Devon Railway Co. v. Loosemore*⁸, Lord Blackburn said that the concept of compulsory contract evolved in the *Marquis of Salisbury* case involves an element of fiction because strictly speaking there is no purchase and no contract in the true sense. The assent of the landowner to the sale is assumed or implied by law but within that limitation and the limitation that there is a single chosen purchaser, the remaining terms of the contract remain to be settled by the parties by the ordinary process of bargaining.

³ Sukumar Das, "Acquisition, Compensation and Rehabilitation", 43 *The Administrator*, 37 (1998)

⁴ *Id.* at 38

⁵ *Id.* at 39

⁶ (1912) 223 US 390

⁷ (1852) 17 QB 840

⁸ (1884) 9 AC 480

In *Simpsons Motor Sales (London) Ltd. v. Hendon Corp.*⁹, Lord Evorshed and other Judges of the House of Lord spoke about compulsory acquisition of land as a quasi-contractual relationship. They further said that compulsory purchase is not commonly used because the owner of the land is an involuntary seller and also cannot fix the price of selling land. The price of selling land is determined by the appropriate authority.

Grotius said that State is the original and absolute owner of all land possessed by the individual members of the State but it is presumed that the person, who has possession of the land and right over the enjoyment of land, their possession is subsequently derived by the sovereign authorities; it might be taken back at some later stage. In other words, the State retains a property right, but it is the sovereign right in General Public interest, which can be exercised as and when the State deems it fit.¹⁰

In *Attorney-General v. Brown*¹¹, Chief Justice said that, the land is the subject of the Crown and it granted to people actual ownership of land, but sovereign authority might acquire either part of the land or whole land, whenever they deemed fit to do so.

*Milirrupum v. Nabaleo Pvt. Ltd.*¹², it was accepted in England that all land belongs to the Crown, it was granted to the private owners with the reservation that the crown could resume part, but not the whole of the land, for a public purpose. In the United State of America, it is accepted that the State has a right to acquire land from private owners, but there are two conditions, the first one is that it is taken for public purposes, and the second one is, State must pay reasonable compensation to the landowners. The United States of American Constitution gives acceptance of this rule.¹³

In *Cherokee Nation v. Southern Kansas Railways Co.*¹⁴ J. Harlan expressed the matter as follows, land held by private owners everywhere within the boundary of the State of America is held subject to the authority of government to take them; provided only, that they are not taken without just compensation made to the landowners.

4. ACQUISITION OF LAND BY AUSTRALIAN GOVERNMENT

In Australia, the parliament has the power to make laws for the peace, order, and good government of the commonwealth for the acquisition of property on just terms from any State or person for any purpose in respect of which the parliament has the power to make laws. Explanation of section 51 of the Australian Constitution, expresses that the legislature has the power to make laws to achieve the welfare of the people. The parliament has the power to make laws for the acquisition of property of a private individual in a justified manner, so that in Australia land acquisition is part of their sovereign power. In *Commonwealth v. New South Wales*¹⁵, the High Court of Australia examined the nature of the land acquisition. A question arises before the High Court of Australia, whether the land taken by the commonwealth included the metals and minerals beneath the surface of the land. The High Court established that the Australian Government is entitled to acquire land in States by a compulsory process which is vested in the State or if any types of land are granted to the people of Australia, the State might be retaking all land.

Section 51 of the Australian Constitution limits the power of the government of the commonwealth. The wording of the Constitution in section 51 says that the property must be acquired for a purpose in respect of which the commonwealth has legislative power to make laws. Now, it becomes a matter of concern that a particular law for the acquisition of land made by commonwealth legislative members is within the limit of constitutional purview.¹⁶

In *Attorney-General v. Schmidt*¹⁷, Chief Justice Dixon said, the expression "For any purpose" is without doubt indefinite. But it refers to the meaning, how to use such acquired property or application of land acquisition laws covers use for any department or use of executive department or judicial office of the commonwealth government in the course of administering laws made by the parliament in the exercise of its legislative powers.

⁹ (1964) AC 1088

¹⁰ Lenhoff, "Development of Concept of Eminent Domain", 42 *CLR* 596 (1942)

¹¹ (1847) 1 *Legge* 312

¹² (1971) 17 *FLR* 141

¹³ Michelman, "Property Utility and Fairness: Ethical Foundations of Just Compensation", 80 *HLR* 165 (1967)

¹⁴ (1890) 135 *US* 641

¹⁵ (1923) 33 *CLR* 200

¹⁶ W. Anstey Wynes, *Legislative Executive and Judicial Powers in Australia*, 324 (4thedn., 1970)

¹⁷ (1961) 105 *CLR* 361

Section 51 also limits the commonwealth's power that acquisition of land may be possible upon 'just' and 'fair compensation'. The government of the commonwealth cannot exercise the power to acquire land unless they have 'just term' and 'fair compensation'.

In *Minister of State for Army v. Dalziel*¹⁸, Stark J. said, what do you mean by "just term" has a very wide concept related to compensation, and also payment of compensation, is the primary function of 'just term'. Adequate compensation must be very different in each case and different circumstances. It would be very difficult to provide a detailed legislative scheme that would be just and which can fit in all cases.

The question of the meaning of "just terms" was discussed by the High Court in *Johnston, Fear, and Kingham v. Commonwealth*¹⁹, the land acquisition laws provide only for compensation in the form of money in all cases and it was also held that even if on a few occasions price could not be considered as a just term then the acquisition process would be invalid. The High Court further accepted that acquisition of property for defense, would not invalidate the land acquisition process, the Court was also saying that it involved full and adequate compensation for the compulsory acquisition of land in the greatest interest of the country. Now, the term which is envisaged in section 51 of the Australian Constitution has a broader concept than compensation, but the payment of compensation is a primary factor.

Section 51 of the Australian Constitution applies to both real and personal property, in other words it applied to any property. Thus, it applies to the acquisition of goods as well as to any property. It has a wider application. The question arises whether the War Service Settlement Agreement Act, 1945 complied with the requirements of section 51 of the Constitution. This Act provides the acquisition of land for the use of soldiers and the amount of compensation to be paid to the owners of land should not exceed the value of the land. The Australian High Court in *P.J. Magennis Pvt. Ltd. v. Commonwealth*²⁰, held that the War Service Settlement Agreement Act, 1945 did not provide just and reasonable compensation to the owner of the land. So, this Act could not justify the purpose or objective of section 51 of the Australian Constitution and hence it is invalid. Justice Williams further explained that the acquisition of land would have been valid if the State had acquired the land under section 51 of the Australian Constitution.

Finally, in Australia, there is a Constitutional limitation on the power of the commonwealth about the resumption of land. The Australian government cannot exercise the power of acquisition of land unless the term of compensation is reasonable and fair.

5. NOTIFICATION TO ACQUIRE LAND BY INDIAN GOVERNMENT

In India, section 11 of the Land Acquisition Act, 2013 talks about preliminary notification for the procedure for the acquisition of land. Section 11 deals with the publication of preliminary notification and the power of officers thereupon.²¹

¹⁸ (1943) 68 CLR 261

¹⁹ (1943) 67 CLR 314

²⁰ (1949) 80 CLR 382

²¹ The Land Acquisition Act, 2013, section 11 provides that (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:

- (a) In the official Gazette;
 - (b) In two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
 - (c) In the local language of the panchayat, municipality, or municipal corporation, as the case may be and in the offices of the District Collector, the sub-divisional magistrate, and the Tehsil;
 - (d) Uploaded on the website of the appropriate government;
 - (e) In the affected area, in such manner as may be prescribed
- (2) Immediately after the issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabha at the village level, municipalities in case of municipal areas, and the Autonomous Councils in case of areas referred to in the sixth schedule to the constitution shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at the meeting called especially for this purpose.
- (3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public involved, reasons necessitating the displacement of affected persons, summary of the social impact Assessment Report, and Particulars of the Administrator appointed for rehabilitation and resettlement under section 43.

The procedure for the acquisition of land is issued by the preliminary notification. Firstly, the concerned officer must issue notices to the landowners for acquisition which is likely to take place. Secondly, there were only two methods to notify the entire affected person adequately, now in the 2013 Act such notification must be published in the Official Gazette, in two daily newspapers circulating in the locality of such area of which one shall be in the regional language. In the local language in the panchayat, municipality, or municipal corporation, as the case may be and in the offices of the District Collector, the sub-divisional magistrate, and the Tehsil, uploading on the website of the appropriate government. The sub-section 1 of section 11 of 2013 Act is taken from the Land Acquisition Act 1894 which is unambiguous than the previous one. In the previous legislation, notification should be published in a convenient place, but which place is the convenient place is not mentioned. Section 11(1) of the Land Acquisition Act, 2013, it is very much clear as it is mentioned that notification must be published in the local language in the Panchayat, Municipality, or Municipal Corporation or the offices of the District Collector or the sub-divisional Magistrate and the Tehsil. In our personal opinion, some other places can be included like worship places, bus stops, hospitals, police stations, schools, colleges, and also in the market places. No place should be left out so that the news of the acquisition of land reaches the maximum. This section prescribed that the notification is required to be widely disseminated so that no party suffers for want of information. A similar function of a preliminary notification is given under section 4 of the Land Acquisition Act, 1894.

Immediately after the issuance of the notification under sub-section (1) of section (11) of the Land Acquisition Act, 2013, the concerned Gram Sabha or Sabhas at the village level, Municipalities in case of Municipal area and the autonomous councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.²²

The notification issued under sub-section (1) is different from its 1894 counterpart in as much as it must contain a statement on the nature of the public purpose involved along with the reasons necessitated for the displacement of the affected persons. This has also to be accompanied by a summary of the social impact assessment report and particulars of the administrator appointed for rehabilitation and resettlement.²³

6. JUDICIAL PRONOUNCEMENTS RELATING TO ACQUISITION OF LAND

The details required under section 6 of the repealed 1894 Act were not very high. In *Delhi Administration v. Gurdip Singh*²⁴, the Supreme Court of India interpreted the requirement of initial detail as follows: The Court was applying the earlier decision of the Supreme Court itself. It was held that notification referred under section 6 of the repealed Act 1894 should be satisfactory notice. If the satisfaction was challenged, it would be sufficient by producing the record on which basis the declaration was issued under section 6 of the repealed Act 1894. Therefore, the objection related to section 6 of the said Act must contain sufficient reason.

In the *Collector (District Magistrate), Allahabad v. Raja Ram Jaiswal*²⁵, the Supreme Court held that, unless the publication of decision of the government in official Gazette, it would not take a concrete shape of a notification in the Official Gazette. So, it would be necessary for the effective decision of the government that publication of notification for proposed land acquisition in the official Gazette. In this way, we can say that, without publication of a decision of the government, the proceedings for acquisition cannot be said to have been initiated and the decision would remain a paper decision. To prevent ill motives of parties from taking advantage, whose land is sought to be acquired, the law prohibits any person from carrying out any transaction about the land such as sale, lease, or mortgages, in other words, no party should be

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till the proceedings under this chapter are completed. Provided that the Collector, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section. Provided further that any loss or injury suffered by any person due to his willful violation of this provision shall not be made up by the Collector,

(5) After issuance of notice under section (1) the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within two months.

²² The Land Acquisition Act, 2013, Section 11 (2)

²³ The Land Acquisition Act, 2013, Section 11 (3)

²⁴ AIR 1999 SC 3822

²⁵ AIR 1985 SC 1622

allowed to create any encumbrance on the land from the date of publication of the preliminary notification till the proceedings are concluded.

The preliminary notice has to be issued within twelve months from the date of appraisal of the social impact assessment report submitted by the expert group under section 7 of 2013 Act, but if a notification regarding the acquisition of land within twelve months could not be issued from the date of appraisal report of the social impact assessment then it would be understood that such report shall be deemed to have lapsed and a fresh social impact assessment shall be required to be undertaken before the acquisition of proceedings under section 11.²⁶

In *Saraswati Devi v. Delhi Development Authority*²⁷, Justice R.M. Lodha and J. Anil R. Dave clarified that the appellant's claim for compensation, refund, or any other monetary claim shall be considered on its own merits by the law. In this case, the land was owned by the government, but in respect of land, some private interest was created. The property could be acquired for the recovery of compensation. This property was put to auction. The highest bid was approved and provisional possession was given to the highest bidder. Title of the property remains in the hand of government but the right of possession and use, enjoyment subsist in the hand of the highest bidder. Property so encumbered could be acquired.

In the *State of Tamil Nadu v. L. Krishnan*²⁸, in this case question relating to vagueness of the notification was concerned. It is to say that in the case of an acquisition of a large area of land comprising several plots belonging to different persons, the specification of the purpose can only be with reference to the acquisition of the whole area. The Supreme Court held that it is not appropriate to insist upon the government to particularize the use of every inch of the land notified for acquisition. If a notification is issued by the appropriate authority under section 4(1) of the Land Acquisition Act, 1894. it is the statutory power of the State to act reasonably so that natural justice could not be violated by the authority. If any land is acquired unfairly then the State must act for the redress of its grievances.

In *Nand Kishore Gupta v. the State of U.P.*²⁹, the petitioners filed a writ petition for quashing the notification under section 4 of the 1894 Act, and declaration of that land is required for a public purpose under section 6(1) of the Land Acquisition Act, 1894. The counsel of the government put contention of section 17(1) of the urgency clause of the Land Acquisition Act, 1894 for the Yamuna Expressway Project, and construction of interchange under the Yamuna Expressway Project in District, Agra, Aligarh, and Mathura through Yamuna Expressway Industrial Development Authority (YEIDA). In this present case, the writ petition filed by Balbir Singh on the ground that acquisition was a colorable exercise of power and the government must comply with the provision of Part VII of the Land Acquisition 1894 Act, on 5.10.2009 judgment came out from the High Court to dismiss the writ petition by giving a reason that (a) The entire process of land acquisition by the government was under the provision of Land Acquisition Act, 1894 and there is no colorable exercise of powers. (b) The land was acquired for the public purpose for the construction of the Yamuna Expressway Project, (c) The land was acquired for the benefit of the public and also there is no violation of any provision of the Land Acquisition Act, 1894.

The Supreme Court further held that the entire cost of the acquisition was to be borne by the company and the company had to pay entire dues and compensation to the landowners for the acquisition of land. Balbir Singh further argued that since even a part of compensation was not coming from the government out of public revenue or some fund controlled by the local authority, this acquisition was not for the public purpose. Finally, the Court rejected all the plea of the appellant and delivered judgment in favor of the company for the construction of the Yamuna Expressway Project.³⁰

In *Dharam Pal v. the State of Haryana*³¹, the State Government issued notification for acquiring the land for a certain locality, which was challenged by the appellants. Notification issued for acquiring the appellant's construction was improper. The direction was issued to the Government to exclude the appellant's construction unless required for providing civic amenities.

²⁶ The Land Acquisition Act 2013, section 14

²⁷ AIR 2013 SC 1717

²⁸ AIR 1996 SC 497

²⁹ AIR 2010 SC 3654

³⁰ *Ibid*

³¹ AIR 2009 SC 1580

In *Usha Stud & Agr. Forms Pvt. Ltd. v. the State of Haryana*³², the land of the appellant along with other entrepreneurs was acquired for some purpose but later lands of other entrepreneurs were released but the appellant's land could not be released by the appropriate authority. The Collector of the concerned area again issued notification for the establishment of Usha Stud Farm and for carrying other activities. This was challenged by the appellant as a writ petition before the Supreme Court. The Supreme Court of India observed that it must be borne in mind that the proceedings under the Land Acquisition Act, 1894 are based on the principle of eminent domain and section 5(A) (Land Acquisition Act, 1894) is the only protection available to a person whose lands are sought to be acquired, it is safeguarded available to a person whose land is going to be acquired, it is protecting from an arbitrary decision of the authority to landowners. In *District Collector, Prakashan District, Ongale v. A.P. Archaka Samakhya, Tenali*³³, the appeals are allowed, and the declaration issued by the State Government under section 6(1) is set aside. However, the Court reaffirmed that this judgment shall not preclude the State Government from taking a fresh decision under section 5(A)(1). The Supreme Court clarified that endowment land shall be acquired by the State, in other words, State could not be restrained from acquiring endowment lands, particularly when such lands were required for the noble object.

Section 3(f) (vi) of the Land Acquisition Act, 1894, defines that any housing scheme sponsored by the government or by any authority established by the government for carrying out any such scheme shall be deemed to be "public purpose". It further said that the provision of land for carrying out any housing development scheme by the co-operative societies with prior approval of the State Government shall be deemed to be "public purpose". In this case, the Court again said that any acquired land by the co-operative society for housing development is public purpose. But in due time, if the co-operative society could not develop as a housing society, meanwhile State Government wanted to acquire such housing co-operative society land, then Court said that in this event, the State government must take prior approval of appropriate authority or government before the acquisition of land with above-referred case namely *H.M.T. House Building Co-operative Society*. It cannot be said that the action taken by the State Government for the acquisition of land was arbitrary or they did not apply the provision of section 5A of the Land Acquisition Act, 1894.³⁴

The Hon'ble Supreme Court clubbed this above-referred case in *Ajaib Singh v. State of Uttar Pradesh*³⁵, and held that the validity of notification under section 4 of the Act, wherein section 5(A) of the Act 1894 had been dispensing with. It has been observed by the Supreme Court that the provision of housing accommodation has become a matter of national urgency. In the case of proceedings relating to the acquisition of land for providing housing sites, it would be appropriate to dispense with the provisions of section 5(A) of the 1894 Act.

The Supreme Court in *Ravi Khullar v. Union of India*³⁶, held that the State Government is an appropriate authority to decide regarding land acquisition because it is a matter of policy. The Supreme Court restated the contention of the petitioner in the absence of rehabilitation and resettlement for displaced industry, there should be an alternative site allotted to them for re-establishment of industrial setup.

7. COMPETENT AUTHORITY FOR ACQUISITION OF LAND

The Collector of the concerned area must be giving public notice to the people of that area about the particular land likely to be acquired by the agency or appropriate authority.³⁷

According to section 4 of the Land Acquisition Act, 1894, if notification is issued by an appropriate authority then as soon as possible it must be followed by section 6 of the Land Acquisition Act, 1894, which would decide which particular area is going to be acquired. A similar view has also been taken in the new Land Acquisition Act, 2013, which is section 11 and followed by section 19 of this Act.

In *Shanmugam v. District Collector, Coimbatore*³⁸, the notification of land acquisition by the Tamil Nadu government comes into question. The Division Bench of the Chennai High Court declared that the action taken by the government of

³² AIR 2013 SC 1282

³³ AIR 2008 AP 150

³⁴ *H.M.T. House Building Co-operating Society v. Syed Khader*, AIR 1995 SC 2244 at 2249

³⁵ AIR 1993 All 10

³⁶ AIR 2007 SC 2334

³⁷ Sunil Kumar Ghosh, *Land Acquisition Act*, 1894, 104 (6thedn., 1973)

³⁸ 2011 (3) Civil LJ 891 (Mad)

Tamil Nadu was impugned and unconstitutional. After that High Court also issued a mandamus to the authority of the State Government not to proceed further for the acquisition of land of the petitioner.

In *Sawaran Lata v. State of Haryana*³⁹, a question arose whether the acquisition proceedings can be challenged at a belated stage. In this case, the respondent State of Haryana issued a notification under section 4 of the Act 1894 in respect of a huge chunk of land and included the land of the petitioner. The notification of land acquisition was published in two newspapers. The Haryana government also issued notification and published it under section 6 of the Act. The petitioner sought relief of quashing the land acquisition proceedings in respect of which the award had been made under section 11 of the Land Acquisition Act, 1894. The special leave petition filed against the judgment and order of the Punjab and Haryana High Court was dismissed only on the ground of delay. Again, the review petition was filed which was also time-barred.

The same view has been referred by the Supreme Court in *Hari Singh and others v. the State of U.P.*⁴⁰, the Court observed in this case that when a notification was issued on the ground of section 4, then it must be challenged within a reasonable time but the acquisition proceeding of State Government is challenged with unreasonable delay.

The same view has been reiterated by the Supreme Court in *State of Mysore v. V.K. Kangan*⁴¹, the Court observed that litigants should not abuse the process of the Court because acquisition proceedings should be challenged before the finality of the case; in most cases, litigants have no idea for the law of limitation delay and laches.

8. CONCLUDING OBSERVATION

Thus, it appears that land acquisition is a bigger problem than poverty or corruption in Indian development. Indian society got closer and closer to a single issue in land use and ownership. From highway and airports to new factories and mines, from housing complexes to slum development, every section of the population is affected, farmers and factory workers, the rural poor, and the urban elite. Every voice in the political spectrum has spoken and continues to speak. Hence the Land Acquisition Act, 2013 is a concern of farmers and those whose livelihood is dependent on the land being acquired and at the same time facilitating land acquisition for industrialization, infrastructure, and urbanization project in a timely and transparent manner.

CONFLICT OF INTERESTS

None

ACKNOWLEDGMENTS

None

³⁹ AIR 2010 SC 1664

⁴⁰ AIR 1984 SC 1020

⁴¹ AIR 1975 SC 2190