

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 95 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 299 OF 2017]
[@ SPECIAL LEAVE PETITION (C).....CC NO. 16639 OF 2016]

STATE OF U.P. AND ORS.

Appellant(s)

VERSUS

ABDUL ALI AND ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.
2. The appellants are before this Court, aggrieved by the Judgment and order dated 03.08.2010 passed by the High Court of judicature at Allahabad, Lucknow Bench, in Writ Petition No. 38497 of 1993.
3. The respondents approached the High Court challenging the Notifications dated 17.12.1992 and 16.06.1993 and the Award dated 09.08.1989, in so far as it related to part of Plot No.9, situated in Village Imilia, Tehsil Maunath Bhanjan, District Mau, Uttar Pradesh, belonging to the respondents.
4. It is not in dispute that the disputed property was not part of the Notification issued under Section 4(1) of the Land Acquisition Act, 1894 (in short, "the Act") and naturally, not a part of Section 6

declaration as well. According to the learned counsel for the appellants, the Award was announced on 09.08.1989, covering the entire area including the disputed property. Realizing that there was no Notification in respect of the disputed property issued under Section 4 and Section 6 of the Act, corrigenda were issued on 17.12.1992 and 16.06.1993, including the disputed property under Section 4 and Section 6 Notification and Declaration originally issued on 16.03.1989 and 05.04.1989 respectively. According to the learned counsel for the appellants, the steps thus taken by the government have cured the defective procedure adopted in the acquisition.

5. We are afraid that the contentions raised by the appellants cannot be appreciated. Once the Award is passed, there is no question of any correction in the Notification under Section 4(1) or Declaration under Section 6 of the Act. The Act, under Section 13A provides for correction of clerical mistakes in the Award and that too only within six months. There is no question of an Award being passed in respect of a property, for which there is no Notification under Section 4(1) and consequently, Declaration under Section 6 of the Act. Thus, there is no merit in the appeal, which is, accordingly, dismissed.

6. However, we make it clear that this Judgment shall not stand in the way of the appellants, if so advised, in initiating acquisition proceedings afresh in respect of the disputed property in accordance with law.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A. M. KHANWILKAR]

New Delhi;
January 04, 2017.



JUDGMENT