

APPELLATE CIVIL.

Before Mr. Justice Broadway and Mr. Justice Fforde.

ORIENT BANK OF INDIA, LIMITED (IN
LIQUIDATION), OBJECTOR, Appellant

versus

THE SECRETARY OF STATE, Respondent.

Civil Appeal No. 2924 of 1922.

Land Acquisition Act, I of 1894, sections 9 (2) and 25—Award by Collector—Objection to the amount awarded—but no specific amount claimed—whether District Judge can award more than the sum awarded by Collector.

An award was made by the Collector under which the Orient Bank (in Liquidation) was to receive Rs. 197-10-0, as compensation. The Bank then made an application to the Collector in which objection was taken to the amount awarded. The Bank stated that it had not thought it necessary to put in any formal statement, as required by section 9 (2) of the Act, nor was any specific amount of compensation claimed then or at any time before the Collector. The District Judge upheld the award of the Collector.

Held, that section 9 (2) of the Act requires all persons whose land is taken up under this Act and who have any occasion to advance any specific claim to the land which requires to be considered, to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

As the Bank in this case did not state the specific amount of compensation claimed by it the District Judge could not, therefore, under section 25 (2) of the Act, award a sum exceeding the amount awarded by the Collector.

Secretary of State v. Gobind Lal Bysak (1), and *Secretary of State v. Bishan Dat* (2), followed.

First appeal from the decree of Lt.-Col. B. O. Roc, District Judge, Lahore, dated the 29th May 1922, upholding the award.

(1) (1907) 12 Cal. W. N. 263.

(2) (1911) I. L. R. 33 All. 376.

HARGOPAL, for Appellant.

GOVERNMENT ADVOCATE and MEHR CHAND, ORIENT BANK
MAHAJAN, for Respondent. OF INDIA

1926

v.
SECRETARY
OF STATE.

JUDGMENT.

BROADWAY J.—This appeal has arisen out of a reference under the Land Acquisition Act. Three *kanals 12 marlas*, out of a large area that had been acquired by Government, belonged to the Orient Bank. An award was made on the 26th April 1920 under which the Orient Bank which was in liquidation was to receive Rs. 197-10-0 as compensation for the said 3 *kanals 12 marlas*. On the 14th June 1920, an application was made on behalf of the Orient Bank, in liquidation, by the joint-liquidator to the Collector in which objection was taken to the amount awarded. It was admitted in this application that the Bank had not thought it necessary to put in any formal statement as required by section 9 (2) of the Land Acquisition Act. In this application no specific amount of compensation was claimed, but it was prayed that a reference should be made to the District Court relating to the value of the property acquired. This reference was made in due course and in it it was stated that notice under section 9 of Act I of 1894 had been served on the Orient Bank on the 14th August 1919. No appearance was made on behalf of the Bank before the Collector but an uncertified copy of a sale deed in favour of the Orient Bank was sent to the Collector which was returned by that officer. It will be seen that up to the date of the reference no specific amount had been claimed as compensation for the land acquired. On the 8th November 1921 another application was filed on behalf of the Orient Bank by the joint liquidator to which was attached

BROADWAY J.

1926

ORIENT BANK
OF INDIA

v.

14
-
6 SECRETARY
OF STATE.

BROADWAY J.

the original sale deed. It was pointed out that the joint liquidator had on the 16th November 1920 made a statement in Court claiming Rs. 300 per *kanal* for the land acquired. On this application the learned District Judge recorded an order that the whole case had been finished and judgment was about to be delivered and that therefore nothing could be done on this application. The learned District Judge's award confirmed the Collector's award, the award of Rs. 197-10-0 being maintained. Against this order the Orient Bank, in liquidation, has preferred this appeal through Mr. Hargopal.

On behalf of the respondent the learned Government Advocate has raised an objection founded on section 9 (2) of the Land Acquisition Act which requires every person whose land is taken under this Act and who has any occasion to advance any specific claims to the land which require to be considered, to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. Admittedly no such claim was ever made to the Collector, that is to say, no specific amount was ever stated by the Orient Bank, in liquidation, as being what they wanted for their land. Mr. Hargopal has urged that the fact that on behalf of the Orient Bank an uncertified copy of a sale deed was placed before the Collector was a sufficient compliance with the provisions of this section. That sale deed purports to convey to the Orient Bank an area of 4 *kanals* and some *marlas* of land for Rs. 1,200. The land acquired is 3 *kanals* 12 *marlas* out of the land referred to in the sale deed. The mere fact that the Collector was notified that this land had formed a portion of a plot of land purchased by the Orient Bank, Limited, cannot, in my opinion,

be regarded as the statement of the amount claimed by the Bank as compensation for the land acquired.

It was not until the 16th November 1920 that Mr. Mukerji, the joint liquidator, stated that the amount he claimed was at the rate of Rs. 300 per *kanal*. The learned District Judge has not acted under the third sub-clause of section 25, and, therefore, under the second clause of that section he could not award a sum exceeding the amount awarded by the Collector. This view is supported by *Secretary of State for India in Council v. Gobind Lal Bysak* (1), and the *Secretary of State for India in Council v. Bishan Dat* (2). In these circumstances the appeal fails and I would dismiss it with costs.

FFORDE J.—I agree.

A. N. C.

Appeal dismissed.

1926

ORIENT BANK
OF INDIA
v.

SECRETARY
OF STATE.

BROADWAY J.

FFORDE J.

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