



Fair Compensation for Land: Claims under the 2013 Acquisition Act

Process, valuation, lapse, R&R and reference practice for the
RFCTLARR regime

LawWorld Editing Team

Creator: LawWorld

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Preface

Land acquisition practice in India turned on the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The statute replaced a colonial framework built around speed of taking with one that conditions acquisition on social-impact assessment, consent in specified private and PPP cases, a structured award, and a package of rehabilitation and resettlement entitlements running alongside compensation. For advocates and in-house counsel, the daily work is no longer only about enhancing a figure under a reference; it is about reading which stage the file has reached, which statutory clock is running, and which remedy-objection, reference, writ, or civil claim-actually moves the needle.

This handbook is written for that working lawyer. It walks the acquisition pipeline from SIA and preliminary notification through declaration, award, possession and R&R, and at each gate it flags the grounds on which the process or the quantum can be attacked. Valuation is treated as a craft: how the Collector is required to fix market value, when the rural multiplication factor applies, how solatium and interest stack, and how higher value is proved through genuine comparables after proper deductions. Legacy files under the 1894 Act receive separate treatment, including the Section 24 lapse provision as clarified by the Constitution Bench.

The later chapters are tools rather than narrative-reference-application structure, evidence checklists, a computation sheet, R&R drafting points, urgency-clause and apportionment disputes, writ pathways, and a compact limitation-and-forum map. The aim is a single desk reference that takes a claim from first notice to executable award without scattering the practitioner across disconnected commentaries.



01

The 2013 Framework: Public Purpose, Fair Compensation and Who May Claim

Orienting the practitioner to structure, definitions and the claim universe

Why the 2013 Act displaced the 1894 model

The Land Acquisition Act, 1894 concentrated power in the State, offered limited hearing, and treated compensation as a one-time money award with little regard for displacement. Decades of litigation showed that owners often received delayed or inadequate sums while livelihoods collapsed. Parliament answered with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013—a complete code that couples acquisition with mandatory process, higher compensation floors, and parallel rehabilitation.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section s.1

The Act is titled to foreground fair compensation and transparency; it extends to the whole of India and came into force on the date appointed by Central Government notification within the statutory outer limit after Presidential assent.

Beneficial reading of the 2013 Act

LAWWORLD 2019 SC 0290

The 2013 Act is beneficial legislation. Its Statement of Objects and Reasons and Preamble aim at a humane, participative and transparent process with least disturbance to owners and just and fair compensation plus rehabilitation. Where two readings of a provision are open, the court must prefer the view that furthers this object and favours affected landholders.

In operational terms, **fair compensation** means a statutory package built on market value, multiplication, assets, solatium and interest—not a Collector's discretionary figure. **Transparency** means published SIA findings, accessible notifications, recorded objections, and awards that disclose how each head was fixed. The Act is not a licence to strip land without that package, nor a windfall for inflated claims; it balances public need against the owner's right to just recompense.

Just compensation as the Act's purpose

LAWWORLD 1992 SC 0413

Even under the earlier regime the Court stressed that acquisition law empowers Government only for public purpose (or company acquisition under Part VII) and is neither a tool to deprive land without market value, solatium and statutory interest, nor a bonanza for

fanciful prices. That baseline informs how the 2013 package is read.

Core definitions used throughout this book

appropriate Government

The Central or State Government empowered under the Act to acquire land for the stated public purpose, including for its own use, PSUs, PPP projects (land remaining with Government), or private companies for public purpose subject to consent thresholds. Which Government is 'appropriate' turns on the project's constitutional and statutory field.

public purpose

The lawful object for which land may be acquired under the Act-strategic, infrastructure, project-affected rehabilitation, planned development and allied public ends listed or contemplated in Section 2. The phrase is wide and not exhaustively closed, but it cannot mask a purely private end or a colourable exercise of power.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section s.2

Section 2 applies the Act when appropriate Government acquires land for its own use, hold and control (including PSUs) for public purpose, and also for PPP projects where ownership continues with Government and for private companies for public purpose. Private-company and PPP routes require prior consent of specified percentages of affected families, obtained along with the SIA.

Courts have long treated public purpose as of wide amplitude-any purpose in which a fraction of the community is interested-yet reviewable where the stated object is private, non-existent, or a fraud on power. *Infrastructure and integrated development* and *State-controlled corporation purposes* illustrate breadth; colourable or token-contribution cases show the outer limit.

person interested

Anyone claiming an interest in compensation for the land notified-owners, co-sharers, tenants, mortgagees and others with a compensable stake. The class is broader than 'landowner' or 'affected family' and is the primary universe for award notices, apportionment and reference.

affected family

Under Section 3(c), a family whose land or immovable property is acquired, plus livelihood-linked categories the Act enumerates. It includes landowners for whose benefit land is held before acquisition. A purchaser who takes interest only after the Section 11 preliminary notification is not an affected family.

landowner

Under Section 3(r), a person whose name is recorded as owner on the relevant date (including those for whom land is held). A post-Section 11 purchaser is not a landowner for restitution or Section 24 benefits, though such a person may still be a

person interested in compensation.

Post-notification purchasers excluded from affected family and landowner

LAWWORLD 2019 SC 1022

Section 3(c) and 3(r) fix status by reference to the pre-acquisition holding. Interest acquired after the Section 11 notification does not make the purchaser an affected family or landowner; those labels drive R&R and certain restitution paths, not every rupee of compensation.

TIP

Intake screen

At file opening, classify the client as landowner, affected family, person interested only, or post-notification purchaser. That single label decides R&R standing, consent counting, and many Section 24 arguments later in this book.

The high-level pipeline and the dual track

Acquisition pipeline under the 2013 Act

1. Social Impact Assessment (and consent where PPP/private) - first gate on need, alternatives and impact
2. Preliminary notification under Section 11 - land identified; records updated; transactions restricted
3. Hearing of objections under Section 15 - area, suitability, public purpose, SIA findings
4. Declaration that land is required for public purpose - locks the project decision within statutory time
5. Collector's enquiry, notices to persons interested, and award of compensation and R&R
6. Tender/payment and R&R compliance, then possession
7. Implementation and monitoring of the Rehabilitation and Resettlement scheme

The Act runs a **dual track**. Track one is monetary compensation for land and assets. Track two is rehabilitation and resettlement for affected families-housing, livelihood support, infrastructure and schedule entitlements. R&R is not a discretionary top-up; where the Act requires it, incomplete R&R can stall lawful possession. Later chapters unpack each stage; here the map is enough to place every claim.

NOTE

What this book covers

This book addresses **claims and challenges under the 2013 Act and legacy Section 24 situations** arising from incomplete 1894 acquisitions. It does not yet detail valuation formulae, lapse tests, drafting templates, or forum tables-those follow in sequence after the framework, definitions and pipeline are fixed.

02

Social Impact Assessment and Consent: The First Gate

When SIA is mandatory, what it must find, and how to attack a defective SIA

When SIA is required and when it may be skipped

Social Impact Assessment (SIA)

The statutory study under Section 4 of the 2013 Act that maps who will be affected, how land and livelihoods will change, whether the proposal is the bare minimum and a last resort, and what mitigation the Social Impact Management Plan must carry-before any preliminary notification.

Chapters II and III of the 2013 Act make SIA the ordinary first gate. The appropriate Government notifies the study; an SIA Unit surveys the area, lists affected families, and prepares a Social Impact Management Plan. Only after appraisal and a recorded decision that benefits outweigh costs may acquisition move toward preliminary notification. Skipping this track without a lawful exemption is a jurisdictional defect, not a curable irregularity.

Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 - Section 5

Where land is proposed to be acquired invoking urgency under section 40, or for any other SIA-exempted public purpose project, the Deputy Commissioner shall pass a speaking order exempting the SIA study. Where the State Government is the appropriate Government, the Collector recommends and the State Government passes the speaking order, which is then communicated to the Collector, who proceeds under the Act and Rules.

WARNING

Speaking order is non-negotiable

A bare recital that the project is "urgent" or "exempt" will not do. The exemption order must disclose reasons tied to the statutory ground. Challenge a non-speaking or rubber-stamp exemption at once-before notification hardens the record.

What the SIA must find, hearing and appraisal

The SIA is not a formality. It must test whether the land sought is the bare minimum, whether alternative sites are feasible, whether irrigated multi-cropped land is taken only as a demonstrable last resort, what land is already held for the project, and whether

unutilised Government land can be used instead. It must record nature and present use of land, ownership patterns, infrastructure, food-security compliance, and an accurate count of affected families from records and field verification.

Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 - Section 10

Among other matters, the assessment must address: bare-minimum requirement of the land proposed; possible alternative sites and feasibility; whether the land is irrigated multi-cropped and, if so, whether acquisition is a demonstrable last resort; land already purchased, alienated, leased or acquired and intended use; possible use of Government unutilised land; nature, present use and classification (including irrigation and cropping); food-security provisions; size of holdings, ownership patterns, houses and infrastructure; and land prices and recent ownership changes over the last three years. The team must list affected families accurately from land assessment, records and field verification.

Public hearing in the affected area is built into the Chapter II-III scheme so that impact findings are tested against local knowledge before the report is frozen. An Expert Group then appraises the SIA. The appropriate Government must apply its mind and record that the social benefits outweigh the costs. A report that never grapples with alternatives, multi-crop constraints, or the true affected population fails this gate.

LAWWORLD 2023 KAR 0125

High Court of Karnataka, 2023

Chapters II and III embed a participative SIA and safeguard scheme; persons interested cannot be shut out of the process that the Act and Central Rules operationalise. Use this to attack exclusion of affected voices at the SIA stage-not as a substitute for Section 11/15 notice doctrine covered later.

LawWorld ID: LAWWORLD 2023 KAR 0125

Consent for private and PPP acquisitions

Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 - Section 18

Where land is sought for purposes specified under sub-section (2) of section 2, prior consent of the affected landowners as per that sub-section shall be obtained by the Collector in PART-A of FORM-V along with the SIA study. The Collector may constitute a team to assist, and must update land-rights and revenue records so that landowners, occupants and individuals are correctly identified before consent is initiated.

For public-private partnership projects and projects by private companies, the Collector-consulting the SIA team-must draw the list of affected landowners from whom consent is required, publish it in the affected area, and obtain prior consent at the thresholds fixed in section 2(2). Consent runs with a clean, identified list; it is not a signature drive on incomplete papers.

LAWWORLD 2017 SC 1122

Supreme Court, 2017

Blank consent forms with crucial particulars filled unilaterally later do not produce a consent award in the eye of law. Landowners who protested validity could maintain reference. Attack manufactured or back-filled consent on the same logic at the SIA-consent gate.

LawWorld ID: LAWWORLD 2017 SC 1122

LAWWORLD 2016 SC 076

Supreme Court, 2016

Section 41 requires that acquisition in Scheduled Areas be avoided as far as possible and, if necessary, only as a last resort with prior consent of Gram Sabhas, Panchayats or autonomous District Councils. Where the project area is Scheduled, missing Gram Sabha consent is an independent fatal gap.

LawWorld ID: LAWWORLD 2016 SC 076

TIP

Prove the consent paper trail

Demand the landowner list, publication proof, signed Form-V parts, and any Gram Sabha resolutions. Compare names to updated revenue records. Mismatch, blank columns, or post-hoc filling supports a plea that consent was never lawfully obtained.

Challenge grounds at the SIA-consent gate

Pre-notification attack points

- ☐ **No SIA and no speaking exemption** - acquisition launched as if Chapter II did not apply.
- ☐ **Wrong or non-speaking exemption** - urgency or other exempt purpose asserted without reasoned order under the Rules.
- ☐ **Inadequate hearing** - affected families denied a real public hearing or shut out of the participative Chapter II-III process.
- ☐ **Non-application of mind** - Expert Group or Government rubber-stamps benefits-over-costs without addressing bare minimum, alternatives, or multi-crop last-resort findings.
- ☐ **Stale or desk-drawer SIA** - report not based on current field verification, family count, or land use.
- ☐ **Defective private/PPP consent** - thresholds under section 2(2) not met; blank or back-filled forms; list not published or not matched to updated records.
- ☐ **Scheduled Area gap** - prior Gram Sabha/Panchayat/Council consent under Section 41 missing where the land lies in a Scheduled Area.

Move at this gate when the record is still thin. Writ courts will examine jurisdiction, natural justice and patent non-application of mind on SIA and consent; they will not rewrite a competent appraisal on pure policy merits. Preserve the SIA notification, report, hearing minutes, Expert Group opinion, exemption order and consent

forms-those documents win or lose the first-gate challenge.

First-gate sequence (counsel's audit)

- 1. Check whether SIA was notified and who the SIA Unit was.*
- 2. If skipped, demand the speaking exemption order and its statutory ground.*
- 3. Audit SIA contents against bare-minimum, alternatives, multi-crop and family-count requirements.*
- 4. Verify public hearing notice, attendance and whether objections were recorded.*
- 5. Read Expert Group appraisal and the benefits-over-costs decision for application of mind.*
- 6. For private/PPP or Scheduled Area projects, audit consent lists, Form-V papers and Gram Sabha consent.*
- 7. File a focused writ on process defects before preliminary notification issues.*

03

From Preliminary Notification to Declaration: Statutory Steps and Objection Rights

Sections 11 to 19 clocks, hearing of objections, and what must appear in the record

Preliminary notification, publication and the transaction freeze

After the social-impact gate, the appropriate Government issues a **preliminary notification** under Section 11 stating that land is needed or likely to be needed for a public purpose. Compliance with this step is mandatory; non-compliance vitiates the entire acquisition and makes entry on the land unlawful, because these laws are ex-proprietary and must be strictly followed. The notification must identify the land with enough clarity that interested persons can object effectively.

Mandatory nature of preliminary notification

LAWWORLD 2020 SC 0318

Affirms that preliminary-notification requirements analogous to Section 4(1) of the 1894 Act are mandatory; without proper notice the acquisition stands vitiated and entry is unlawful.

Preliminary notification

The Section 11 notification that land is needed or likely to be needed for a public purpose; it opens survey powers, triggers updating of land records, freezes specified transactions, and starts the objection clock under Section 15.

Publication must reach the locality: Gazette, newspapers, and local display so that owners and other **persons interested** learn of the proposal. A bare Government order that is never gazetted cannot validly exempt or short-circuit the pre-notification safeguards that must precede Section 11. Vague public-purpose recitals or unidentifiable parcels invite certiorari; where plans form part of the notification and the Gazette states that land plans are open for inspection, a "brief description" challenge usually fails if objectors in fact knew the alignment.

Gazette publication for exemption before Section 11

LAWWORLD 2022 KAR 1025

SIA and related Chapter II steps are mandatory before a Section 11(1) notification; a Karnataka Section 10-A exemption is valid only if published in the Official Gazette-an ungazetted Government notification is void.

Brief description, plan and vagueness

LAWWORLD 2014 KAR 0442

Where land plans accompany the notification and the Gazette invites inspection, a brief-description plea fails; RTI use and technical objections show awareness of the affected alignment.

On publication, Section 11(4) restrains sale, mortgage, gift and similar dealings in the notified land without Collector permission. That freeze is effective only if **all persons interested** -not merely recorded owners-are notified and can object. The Collector must also cause land records to be updated so that names, extents and interests on the record match ground reality before objections close.

Notice to persons interested is mandatory

LAWWORLD 2023 KAR 0125

Chapters II-III, Sections 11(4) and 15, and the definition of person interested require individual notice and objection opportunity to all interested persons, not owners alone; the transaction injunction works only if they are notified.

WARNING

Pre-notification possession

If the State already occupies without a valid Section 11 notification, the owner may claim rent or damages for that anterior period, distinct from award compensation. Market value under the 2013 Act still runs from the eventual Section 11 date.

Hearing of objections and the Section 19 declaration

Any person interested may file objections within the statutory window from publication. The Collector must give a personal hearing, make further inquiry if needed, and submit a report with recommendations to the appropriate Government. Skipping hearing or the report is fatal. Hyper-technical rejection-counting limitation only from Gazette date while ignoring later newspaper publication, or failing to issue hearing notices-denies the valuable right of objection.

Section 15(2) procedure is mandatory

LAWWORLD 2018 SC 0437

Once objections are filed in time under Section 15, the Collector must hear the objector, inquire as needed, and submit a report; neither hearing nor report was done, so acquisition process failed mandatory Section 15(2).

Hyper-technical rejection of Section 5A-type objections

LAWWORLD 2010 KAR 118

Treating objections as time-barred from Gazette alone despite later paper publication, and omitting hearing notices, deprived petitioners of objection and hearing rights and showed non-application of mind.

The report must engage the substance of objections-unsuitability, alternative land,

livelihood, colourable purpose-not merely recite that objections were "considered." A speaking record of hearing and reasons is what courts test on a failure-to-consider challenge. After considering the report, the appropriate Government may issue the **declaration** under Section 19 that the land is required for the stated public purpose. The preliminary stage enables investigation; only the declaration firmly commits identifiable land to acquisition.

Purpose of preliminary versus final notification

LAWWORLD 2011 SC 0856

Preliminary notification enables survey and suitability checks; only the final declaration states that identifiable land is needed. Minor preliminary errors that do not block effective objection do not void the process.

Detailed consideration of objections

LAWWORLD 2011 SC 0185

Where the inquiry report and order sheet record personal hearing and deal point-wise with mala fides, publication, suitability and public purpose, the hearing-and-consideration mandate is met.

Declaration under Section 19

The appropriate Government's published declaration that specified land is required for a public purpose, issued after the Collector's Section 15 report; it is the firm commitment stage after which award process follows.

Statute fixes outer clocks between preliminary notification and declaration. Delay beyond the permitted period, without a validly published extension order, causes the notification to lapse and forces a fresh start. Defective extension orders-unsigned, unpublished, or unsupported by recorded reasons-do not save the declaration. Legacy one-year computation principles under the old Act still illustrate that the **making** of the declaration within time is the decisive act, but under the 2013 Act counsel must track the specific Section 19 timelines and any State extension notifications on the record.

Time limit for declaration after preliminary notification

LAWWORLD 2002 SC 0944

Under the 1894 framework, the declaration had to be made within one year of publication of the preliminary notification; publication of the declaration in the Gazette within that year was not required. Useful analogy when auditing 2013 Act clocks and extension papers.

Challenge grounds unique to this band

- **Vague public purpose** - recital so generic that objectors cannot test necessity or suggest alternatives; contrast cases where plans and inspection recitals cure brief-description pleas.
- **Colourable exercise** - stated purpose a cloak for private benefit or an object outside the Act; needs contemporaneous record, not afterthought affidavits.
- **Failure to notify or hear persons interested** - owners-only notice, skipped Section

15 hearing, or missing Collector's report to Government.

- **Non-consideration of objections** - mechanical rejection, limitation miscounted from Gazette alone, or report that ignores livelihood and alternative-site pleas.
- **Lapsed declaration for delay** - Section 19 outside the statutory outer limit without a valid extension.
- **Defective extension orders** - extension not gazetted, not reasoned, or issued after expiry.

Record audit before writ or representation

- ☐ Collect full Section 11 publication set: Gazette, newspapers, locality notices, and any accompanying plans.
- ☐ Verify SIA or valid gazetted exemption preceded Section 11.
- ☐ List all persons interested (owners, tenants, mortgagees) against who actually received notice.
- ☐ Diary objection due date from each mode of publication; retain filing proof.
- ☐ Obtain Section 15 hearing order-sheet, inquiry report, and Government file noting on objections.
- ☐ Compute notification-to-declaration days; copy any extension notification and reasons.
- ☐ Flag pre-Section 11 possession for a separate rent/damages claim.
- ☐ Plead precise ground: vagueness, colourable purpose, natural justice, lapse, or bad extension-avoid mixed award-stage valuation points.

Sections 11 to 19 timeline

1. Section 11 preliminary notification published in Gazette, papers and locality.
2. Land records updated; survey and marking as needed.
3. Transaction freeze under Section 11(4); permission route for genuine transfers.
4. Persons interested file objections within the statutory period.
5. Collector hears objectors, holds further inquiry, forwards report under Section 15.
6. Appropriate Government decides; if sustained, issues Section 19 declaration within outer time (or valid extension).
7. On lapse or quash of this band, acquisition must restart from the lawful stage-not jump to award.

TIP

Keep valuation out of this challenge

This band is about jurisdiction, publication, hearing and clocks. Market-value maths, solatium and the Collector's award enquiry belong to the next chapters-do not overload a Section 11-19 writ with quantum evidence.



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04

Enquiry, Award and Possession: Building and Attacking the Collector's Award

Notices of claims, measurements, contents of award, and taking of possession

Notices, measurement and the Collector's enquiry

After declaration that land is needed for a public purpose, the Collector must cause public notice inviting claims to compensation from all persons interested. The notice fixes a time and place for appearance and for stating the nature of each interest and particulars of claim. Parallel to claims, the land is measured and planned so that the award rests on an identified parcel, not a vague description. Persons interested must be given a real opportunity to put forward title, share, tenancy, encumbrance and quantum claims.

persons interested

All persons claiming an interest in compensation to be made on account of the acquisition of land, including those who would be entitled to claim an interest in the land if no acquisition took place; the enquiry must identify and hear them before the award is finalised.

The enquiry is not a formality. The Collector must investigate the true extent of interests, objections to measurement, and rival claims so far as they affect compensation and apportionment. A non-speaking or pro forma disposal of claims invites certiorari. The 2013 Act is beneficial legislation and must be read to further fair compensation and least disturbance to owners; process shortcuts that shut out claims cut against that object (*beneficial reading of the 2013 Act*).

Enquiry file audit

- ☐ Public notice inviting claims served and published as required; proof of service on known interested persons on record
- ☐ Measurement and plan match the declaration schedule; discrepancies noted and resolved
- ☐ Each written claim and objection acknowledged and dealt with in the award reasons
- ☐ Rival title or share claims either apportioned or flagged for reference-not silently dropped
- ☐ Hearing dates and presence or default of claimants recorded

Mandatory contents of the award and the twelve-month clock

The award must be a reasoned determination, not a bare figure. It must state the true area of land; the compensation allowed for the land under each statutory head; and the apportionment of that amount among all persons known or believed to be interested in the land, of whom or of whose claims the Collector has information. Apportionment among known interested persons is part of the award itself. Leaving out a person who appeared and claimed, or collapsing distinct interests into a single unexplained lump, is a classic attack ground.

NOTE

Award as State's offer

The Collector's award is an offer made on behalf of the State. The State is bound by it and cannot impeach its own award as excessive. The landholder may accept or seek enhancement; the acquiring body cannot treat the award as provisional against the claimant's interest (*State bound by Collector's award*).

The award must be made within twelve months of the date of publication of the declaration. If no award is made within that period, the entire acquisition proceedings lapse. Any extension must rest on a lawful order recording reasons and following the statutory path; a silent or after-the-fact extension will not save a late award. Immediate notice of the award must go to persons interested who were not present when it was made—delay in that notice affects limitation for reference, not the validity of a duly made award (*notice of award and limitation*).

From declaration to award

1. Declaration published; twelve-month award clock starts
2. Public notice inviting claims; measurement and plan finalised
3. Enquiry into interests, objections and rival claims
4. Speaking award: area, compensation heads, apportionment among known interested persons
5. Award filed; notice to absentees; tender or payment follows

Possession and challenge grounds

Possession may be taken only after the Collector has made the award and has tendered payment of compensation to the persons interested entitled thereto, or has paid it into the designated account where tender is refused or title is disputed. Where rehabilitation and resettlement obligations apply, those must also be discharged or ensured before dispossession; R&R is not an optional add-on. Taking possession without tender or payment, or without required R&R compliance, is vulnerable to writ relief restoring status quo or moulding interim protection.

The Collector's duty is to secure just compensation, not to minimise the State's outlay by ignoring claims or issuing a non-speaking order (*duty to ensure just compensation*). Quantum disputes on market value and statutory add-ons belong in reference; process failures belong in writ.

Challenge ground	Typical defect	Primary forum
Incomplete enquiry	No real hearing; measurement untested; interested persons not noticed	Writ
Non-speaking award	No reasons on area, heads of compensation, or rejected claims	Writ / reference
Ignored claims	Appeared claimant omitted from apportionment or silently rejected	Writ / reference
Possession without payment	Entry before tender, deposit, or lawful payment path	Writ (injunction / restoration)
Possession without R&R	Dispossession where R&R scheme obligations remain unmet	Writ
Award after twelve months	No award within clock; invalid or absent extension	Writ (lapse)

WARNING

Do not conflate forums

Attack jurisdiction, natural justice, lapse of the award clock, and illegal possession in writ. Take pure quantum-market value, multipliers, solatium, and interest-on reference. Mixing the two invites an alternative-remedy dismissal of the writ and a thin reference record.

Possession and award attack checklist

- ☐ Diary the declaration date and compute the twelve-month award deadline
- ☐ Obtain certified award, notices, measurement records, and hearing minutes
- ☐ Match every claim petition to a line in the apportionment schedule
- ☐ Verify tender, payment, or deposit before any possession memo
- ☐ Where R&R applies, confirm scheme finalisation and entitlements before dispossession
- ☐ Preserve limitation for reference from award notice or proved date of knowledge

05

Rehabilitation and Resettlement: Entitlements Parallel to Compensation

Second and Third Schedules, R&R scheme, and Commissioner oversight

Who is an affected family

affected family

A family whose land or other immovable property is acquired, or whose livelihood is lost or reduced because of acquisition, including landowners for whose benefit land was held before acquisition; post-Section 11 purchasers are outside this class for R&R and landowner status.

*R&R runs on a wider base than pure title. **Affected family** under Section 3(c) covers families whose land or immovable property is acquired and livelihood-based categories tied to the acquired land. **Landowner** under Section 3(r) is the person recorded as owner on the relevant date. A purchaser who takes interest only after the Section 11 preliminary notification is neither an affected family nor a landowner for R&R or restitution purposes, though such a person may still be a person interested in compensation.*

Affected family and landowner - post-notification purchasers excluded

LAWWORLD 2019 SC 1022

Section 3(c) and 3(r): a person acquiring interest after the Section 11 notification cannot be treated as an affected family or landowner. Use this to screen R&R claimant lists early.

Meaning of affected family and landowner under the 2013 Act

LAWWORLD 2019 SC 1022

Confirms the same cut-off: post-notification purchasers may claim compensation as persons interested but not R&R or landowner benefits keyed to pre-acquisition status.

Rehabilitation is not shelter alone. Its purpose is met only when displaced persons receive habitation together with the means of livelihood and related amenities. That reading guides how Schedule heads-housing, subsistence, annuity and infrastructure-must be read as a package, not as discretionary extras.

Scope of settlement, resettlement and rehabilitation

LAWWORLD 1986 SC 024

Rehabilitation is not confined to providing shelter; it is achieved only when displaced persons are given shelter, food and related support. Useful when the State offers only a house plot and nothing for livelihood.

Administrator, Commissioner and the R&R scheme

R&R scheme

The draft and final rehabilitation and resettlement scheme prepared after survey and census of affected families, published with public hearing, and carried through declaration and award so that entitlements under the Second and Third Schedules are quantified and enforceable before possession.

The Act places day-to-day preparation with an **Administrator** for Rehabilitation and Resettlement and oversight with a **Commissioner**. The Administrator conducts the survey and census of affected families, records livelihoods and assets lost, and drafts the scheme. The Commissioner reviews, approves and monitors implementation. Public hearing on the draft is mandatory before the scheme is finalised and before the Section 19 declaration is safely issued.

R&R scheme path alongside acquisition

1. Administrator surveys and conducts census of affected families and livelihoods
2. Draft R&R scheme prepared against Second and Third Schedule heads
3. Public hearing on the draft; objections recorded and considered
4. Commissioner review and approval; scheme published
5. Declaration and award proceed with R&R entitlements quantified
6. Possession only after compensation tender/payment and R&R compliance where required

Non-compliance with R&R procedure voids final declaration

LAWWORLD 2022 KAR 1025

Sections 16-18 read with State Rules require survey, census, draft scheme and public hearing before a Section 19(1) declaration. Admitted failure to hold the hearing rendered the final notification illegal and invalid.

WARNING

R&R is not optional

R&R is a **parallel statutory track**, not an add-on the Collector may defer. Skipping survey, draft publication or hearing can stall or invalidate declaration and block lawful possession even if compensation figures look complete. Challenge possession taken without required R&R compliance.

Schedule entitlements at a glance

The **Second Schedule** lists family-level entitlements. The **Third Schedule** lists infrastructural amenities at the resettlement site. Counsel should map each affected family to applicable heads without, at this stage, drafting full claim language-that is reserved for the practice chapter on R&R pleadings.

Head	What it broadly covers	Practice note
------	------------------------	---------------

Housing	House site or constructed house for displaced families, or cash in lieu where opted/allowed	Prove displacement and family unit as on the cut-off
Land-for-land	Alternate land in irrigation or specified projects where the Schedule applies	Not automatic in every acquisition; check project type
Subsistence	Monthly allowance for a fixed period after displacement	Link to actual displacement date
Annuity / employment	Annuity or one-time grant; job preference where provided	Document livelihood loss and skill category
Cattle/petty shop etc.	One-time grants for artisans, small traders, cattle shed	Census entry is primary proof
Infrastructure (Third Sch.)	Roads, drainage, drinking water, school, health, community spaces at site	Enforce against the requiring body, not only cash lines

Package design is largely a policy domain once the statutory minima are met, but courts will enforce mandatory process and time-bound implementation. Where authorities lag, the proper course is directed compliance-not treating R&R as a bargainable afterthought. Non-compliance with the scheme path remains a possession bar and a ground to attack a premature declaration.

Enforcing relief and rehabilitation obligations

LAWWORLD 2000 SC 1016

No submergence without rehabilitation of oustees; where States lag, courts direct strict, time-bound implementation of the award and institutional R&R mechanisms rather than abandoning the obligation.

R&R package as policy - reasonableness review

LAWWORLD 2003 SC 091

A properly drafted relief and rehabilitation plan accompanies displacement as part of Article 21 protection; component choices after due deliberation are policy matters if not unreasonable.

R&R screen at award and possession

- ☐ Is each claimant an affected family as on Section 11-not a post-notification purchaser?
- ☐ Was census/survey done and is the family entered with livelihood particulars?
- ☐ Was a draft scheme published and a public hearing actually held?
- ☐ Has the Commissioner approved and has the final scheme been published?
- ☐ Are Second Schedule heads quantified in or annexed to the award?
- ☐ Are Third Schedule amenities committed for the resettlement site?
- ☐ Has possession been withheld until compensation tender/payment and R&R compliance?

06

Market Value under Section 26: The Three-Limb Floor

Circle rates, average of comparable sales, and consented amounts

The three-limb floor and the date of reference

Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 directs the Collector to determine **market value** as the higher of three stipulated bases. The first is the market value, if any, specified in the Indian Stamp Act for registration of sale deeds in the area where the land is situated. The second is the average sale price of similar land in the vicinity, drawn from sale deeds registered in the preceding three years (or such period as may be prescribed). The third is the consented amount of compensation in cases of acquisition for private companies or public-private partnership projects. The Collector must adopt whichever figure is highest. That figure is only the floor for market value; later chapters add the multiplication factor, assets, solatium and interest.

market value (Section 26 floor)

The base price of the acquired land fixed by the Collector as the highest of (a) the stamp-duty guideline rate for the area, (b) the average of similar registered sales in the vicinity over the prescribed preceding period, and (c) any consented compensation amount in PPP or private acquisitions, ascertained as on the statutory reference date.

A proviso locks the reference date. Market value is to be assessed as on the date of the preliminary notification under Section 11, subject to the Act's own saving and transition rules. In legacy files shifted from the 1894 Act-especially where an award is still to be passed under the new statute-the practical question is which notification or deemed date controls. Counsel must pin the file's operative date before auditing the three limbs; a wrong date contaminates every comparable and every guideline extract.

WARNING

Legacy date trap

When a pre-2013 acquisition is completed under the new Act, do not assume the old Section 4 date automatically survives. Confirm the statutory reference date on the facts of the file before pulling stamp rates or sale deeds. A mismatched window produces an indefensible average.

Limb one: stamp-duty and circle rates

The first limb is the value specified for stamp duty in the area. Under the 2013 framework

this is not a mere administrative curiosity. The Supreme Court has clarified that Section 26(1)(a) expressly permits adoption of the market value specified under the Indian Stamp Act (guideline value), and the Collector or arbitrator may rely on such guidelines where they exceed sale exemplars. Observations that once treated guideline values as irrelevant under the old Act do not create a statutory bar under the new provision.

Use of stamp guideline value under the 2013 Act

LAWWORLD 2022 SC 0737

Section 26(1)(a) RFCTLARR expressly permits adoption of Stamp Act guideline value; SLAO or arbitrator may rely on guidelines where higher than sale exemplars. Earlier observations on guideline values do not impose a statutory bar.

That does not mean every circle-rate notification is conclusive. Under the older regime, basic valuation registers maintained only for stamp purposes, without expert procedure, carried little evidentiary weight, whereas guideline values fixed by statutorily constituted committees after notice and periodic revision could be treated as expert opinion-still rebuttable. For Collector-level work under Section 26, the operational rule is simpler: pull the notified stamp rate applicable to the land's classification and locality as on the reference date, and treat it as a mandatory candidate in the three-way comparison.

Circle rates and guideline values - limited but structured role

LAWWORLD 2009 SC 0873

Bare circle rates without statutory expert process lack evidentiary value for market value; guideline values fixed by expert committees under Stamp Acts after notified procedure can be relevant expert opinion, though rebuttable.

TIP

Practice pull

Obtain the certified guideline/circle-rate extract for the exact survey locality and land use as on the reference date, plus any revision notification that had already been set in motion. Compare it line-by-line with the sale-deed average before accepting the award figure.

Limb two: similar sales in the vicinity

The second limb requires an **average sale price** of similar land situated in the **vicinity**, from registered deeds over the preceding statutory window. Similarity is not a label; it is a feature-by-feature match. The preferred method remains genuine comparable sales tested for temporal proximity, location, size, shape, tenure, user and potentiality. The price a willing vendor would accept from a willing purchaser in normal conditions on or about the reference date remains the acid test.

similar sale (vicinity average)

A registered, bona fide sale of land near the acquired parcel, close in time to the reference date, sharing comparable location advantages, size band, shape, tenure, present use and development potential, and free from compulsion, relationship inflation or acquisition-driven distress.

Willing vendor-vendee test and exclusion of facade sales

LAWWORLD 1993 SC 0513

Sales of the acquired land or neighbouring lands with same or similar potentialities furnish the basis; throw-away, depressed or facade sales in quick succession to inflate value must be excluded; bona fides and actual consideration must be judged.

Comparability criteria crystallise as four practical filters: sale within a reasonable time of the notification; bona fide transaction; land acquired or adjacent land; and similar advantages. Large-tract valuation drawn from small-plot sales needs care-development set-asides matter-but at the Collector stage the immediate task is to build a clean set of vicinity deeds, not to litigate deduction bands in depth.

Four-fold test of comparable sale deeds

LAWWORLD 2010 SC 0830

Comparability depends on (i) sale within reasonable time of Section 4(1) notification, (ii) bona fide transaction, (iii) sale of acquired or adjacent land, and (iv) similar advantages; small-plot sales for large tracts require appropriate development deduction.

When averaging is proper-and when it is not

Section 26 speaks of an average, but the average is only of **homogeneous** instances. Averaging disparate sales or awards of non-comparable lands yields unrepresentative figures and has been rejected. Where several sales relate to similar lands around the same time with only marginal variation, averaging those prices is permissible. Where lands differ in type or location, the authority must identify the transaction most proximate in time and most comparable in characteristics rather than blend unlike prices.

Averaging of non-homogeneous sales rejected

LAWWORLD 1993 SC 1021

Comparable sales method is preferred; genuineness and temporal proximity must be tested, then location, size, shape, tenure, user and potentiality. Market value cannot be fixed by averaging prices from several non-homogeneous sales or awards.

Averaging allowed only for similar lands

LAWWORLD 2014 SC 1020

Averaging is impermissible where lands are of different types or locations; where several sales relate to similar lands around the same time with only marginal variation, averaging those prices is acceptable.

- **Exclude** related-party, interested or collusive deeds and sales executed under imminent acquisition pressure.
- **Exclude** throw-away or serial facade transfers designed to inflate or depress the average.
- **Exclude** distant or differently situated parcels (different road access, use, or development band) even if within the same revenue village name.

- **Retain** bona fide vicinity sales of similar size and potential, then average only that cleaned set for limb two.

Rushed sales under acquisition peril excluded

LAWWORLD 2003 SC 0452

Sale deeds executed by claimants shortly before the award at an advanced stage of acquisition do not reflect true market value; vendors under imminent peril have limited bargaining power-such deeds must be excluded.

Limb three: consented amounts and the Collector's choice

The third limb applies where land is acquired for private companies or PPP projects and a compensation amount has been consented to under the Act's consent process. That consented figure enters the same comparison. The Collector does not average the three limbs and does not dilute a high consent figure with a low circle rate. The statute requires the **highest** of the three. If consent is absent or the acquisition is purely governmental, limb three simply drops out and the floor is the higher of stamp rate and sale average.

Collector's three-limb determination

1. Fix the statutory reference date (preliminary notification or applicable legacy/transition date).
2. Extract the stamp-duty guideline value for the land's area and classification as on that date (limb one).
3. Collect registered sale deeds of similar vicinity land for the preceding prescribed period; strike outliers, interested and non-comparable instances.
4. Average only the cleaned, similar sales to obtain limb two.
5. In PPP/private cases, read in the consented compensation amount as limb three; otherwise skip.
6. Adopt the highest of the available limbs as market value under Section 26-before multiplication factor or solatium.

Section 26 audit checklist (Collector award)

- ☐ Reference date identified and documented on the file
- ☐ Certified stamp/guideline extract matched to locality, use and date
- ☐ Sale-deed list confined to registered deeds inside the statutory look-back window
- ☐ Each deed scored for vicinity, size, use, potentiality and bona fides
- ☐ Interested, facade, distress and non-similar deeds removed before averaging
- ☐ Average recomputed on the cleaned set only
- ☐ Consented amount (if PPP/private) placed beside the other two limbs
- ☐ Award speaks to which limb prevailed and why the others were lower

NOTE

What this chapter does not decide

Multiplication factor (rural/urban), attachment of assets, one-hundred-percent solatium, and courtroom strategy for proving a higher value on reference are dealt with in the following chapters. Section 26 only builds the floor.





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07

Multiplication Factor, Assets, Solatium and Interest

First Schedule arithmetic from market value to payable compensation

From market value to compensation base

Chapter 6 fixed the Section 26 market-value floor. This chapter starts from that figure and builds the statutory add-ons. How market value is proved, and any irrigated-over-dry uplift, is left aside. The First Schedule multiplies only the land market-value line by the notified rural or urban factor. Value of buildings, trees, wells and other things attached to the land is then added under the asset heads. That sum is the compensation base on which solatium runs.

Multiplication factor

The First Schedule multiplier applied to Section 26 market value of the land alone, by reference to whether the land lies in a rural or urban area as notified for the acquisition.

Solatium

A mandatory one hundred percent addition on the compensation amount (multiplied market value plus value of assets attached to the land), awarded in consideration of compulsory acquisition.

Computation base for solatium under the 2013 Act

LAWWORLD 2019 SC 07141

The Court held that the compensation amount for Section 30(1) solatium is market value under Section 26 plus value of assets attached to the land under Sections 27 and 29. Section 28 parameter heads do not enter that base. The award has three independent components: (i) that compensation; (ii) solatium at 100% of it; and (iii) the additional amount at 12% per annum on market value under Section 30(3). Solatium is not calculated on the Section 30(3) amount.

In practice, apply the First Schedule factor to the land line first, then add assets, to form Subtotal A. Solatium is one hundred percent of Subtotal A. Do not treat the factor as part of the Court's verbal definition of the solatium base; it is the statutory step that produces the market-value figure that, with assets, becomes that base. **2019 SC holding** keeps Section 28 heads and Section 30(3) outside solatium.

Section 28 parameters and the twelve-percent amount

Section 28 lists further parameters the Collector must weigh when pleaded and proved: damage to standing crops and trees separately valued; severance of other land; injurious affection of other property; reasonable expenses of change of residence or business; and kindred loss from diminution of profits between declaration and possession. These heads sit outside the solatium base. They are added after solatium, not folded into it.

Section 30(3) awards an additional amount at twelve percent per annum on the Section 26 market value only-not on the multiplied figure, and not on assets or solatium-for the window from publication of the preliminary notification to the earlier of the Collector's award or taking of possession. Interest for delayed tender or payment, and interest running from possession on unpaid compensation, are separate statutory triggers and must be checked on the facts of each file.

WARNING

Do not inflate the solatium base

Never load Section 28 parameter sums or the Section 30(3) twelve-percent amount into the figure on which one hundred percent solatium is calculated. The three award components stay independent.

Stacking order for line-by-line audit

Award build sequence

1. Start with Section 26 market value per unit $\times$ acquired area (land line only).
2. Apply First Schedule rural/urban multiplication factor to that land line Multiplied MV.
3. Add value of assets attached to land (structures, trees, wells, etc.) Subtotal A (compensation base).
4. Compute solatium at 100% of Subtotal A.
5. Add pleaded and proved Section 28 parameter heads (crops, severance, injurious affection, dwelling/shift costs).
6. Add Section 30(3) amount: 12% p.a. on unmultiplied Section 26 market value for the statutory window to earlier of award or possession.
7. Add interest where delayed tender/payment or possession-without-full-payment is made out; deduct sums already paid or deposited.

Counsel's award-audit checklist

- ☐ Confirm geography: correct rural or urban factor on the land line only.
- ☐ Verify assets valued and added before solatium, not after.
- ☐ Recalculate solatium as 100% of Subtotal A (multiplied MV + assets).
- ☐ Ensure Section 28 heads are outside the solatium base and supported by pleading and proof.
- ☐ Recompute Section 30(3) on unmultiplied Section 26 MV for the correct start and end dates.
- ☐ Flag interest triggers: delayed tender/payment; running from possession on unpaid

balance.

- ☐ Subtract amounts already tendered, paid, or deposited; note apportionment only after the composite total is fixed.

TIP

Reference grounds

When the Collector skips the factor, undervalues assets, treats solatium as discretionary, or mis-bases the twelve-percent amount, plead each stacking error as a distinct ground on reference. Rebuild the sheet in this order so the Authority can correct line by line.

Used with the market-value chapter and the later computation sheet, this stacking order turns the First Schedule and the solatium and interest provisions into an auditable arithmetic path from notified land to payable compensation.



08

Proving Higher Value: Comparables, Deductions and Rejection of Weak Instances

Building a valuation case the Authority and courts will accept

Selecting genuine comparable sales

*Under the comparison method, market value rests on what a willing buyer would pay a willing seller for similar land at the relevant date. The claimant must produce **bona fide registered sale deeds** of land close in location and time, with similar advantages. Adjacent or same-village parcels with like access, conversion status and commercial potential carry the greatest weight. Sales executed months before the preliminary notification are preferred to distant or stale bargains.*

comparable sale

A genuine, arms-length registered transfer of land similar in location, size band, use and advantages to the acquired land, executed near the valuation date, from which market value may fairly be inferred after necessary adjustments.

*Courts accept certified copies of sale deeds without examining the parties to the transaction. Map evidence showing adjacency and similarity strengthens the instance. In **LAWWORLD 2019 KAR 0629**, two registered deeds of adjacent converted lands about seven months before notification were held comparable, while a 1995 bargain for steep hillock land without motorable access was excluded. Likewise, **LAWWORLD 2003 KAR 0689** and **LAWWORLD 2003 KAR 0688** affirmed reliance on a same-village adjacent sale where the map proved proximity and no better instances existed.*

Comparable sales of adjacent converted lands

High Court of Karnataka, 2019

Reference Court rightly used two registered sales of adjacent converted lands in the same village about seven months before notification; a remote hillock sale without access was not comparable and had to be excluded.

LawWorld ID: LAWWORLD 2019 KAR 0629

WARNING

Instances that fail at the threshold

Reject or expect rejection of: distress sales; co-owner share sales without possession; leases without transfer of possession; mutation entries offered as valuation proof; and got-up or related-party deeds. **LAWWORLD 2009 SC 0221** upheld exclusion of a 100 sq. yd. developed-plot sale, mutation entries, and distress or fractional-share transactions as unfit comparables for large tracts.

Size, time lag and development deductions

Small developed sites normally fetch higher unit rates than large undeveloped blocks. A willing purchaser of acres will not pay the same rate as for a few guntas or square yards. When small-plot sales are the only available guide, they may be used only after a **development deduction** for land to be left for roads, drains and open spaces, and for cost and waiting time of development.

development deduction

A percentage reduction applied to the unit rate derived from small or fully developed plot sales when valuing a larger, not fully developed acquired tract, to account for land lost to amenities, development cost and the time needed to realise full plot value.

Averaging small-plot sales and development deduction

Supreme Court, 2017

For about 30 acres within municipal limits, bona fide small-plot sales could be relied on, but it was unsafe to pick one or two highest rates; the Court averaged relevant instances and applied development principles suited to a large, not fully developed chunk.

LawWorld ID: **LAWWORLD 2017 SC 0741**

Settled bands run roughly from one-third to about 60-65% depending on how developed the exemplar is and how raw the acquired land remains. **LAWWORLD 2010 SC 1128** reiterates a general trend of about **33%** from very small-plot instances. **LAWWORLD 1996 SC 0869** and **LAWWORLD 2005 KAR 118** apply one-third. Higher bands appear where layout formation is heavy: about **40%** in **LAWWORLD 2003 KAR 07112** and **LAWWORLD 2007 KAR 0338**; around **60%** in **LAWWORLD 2003 KAR 0689**; and **65%** in **LAWWORLD 2005 KAR 1214**. For tiny undeveloped parcels, a smaller "smallness/waiting" cut (for example 15%) may replace a full development cut.

Situation	Typical adjustment	Authority cue
Very small plot large open tract	About 33% development deduction	LAWWORLD 2010 SC 1128
Small sales; not fully developed land	One-third deduction	LAWWORLD 1996 SC 0869 ; 2005 KAR 118
Housing-colony sites large layout land	About 40% for roads, drainage, amenities	LAWWORLD 2003 KAR 07112 ; 2007 KAR 0338
Residential sites large agricultural/raw block	About 60-65% development	LAWWORLD 2003 KAR 0689 ; 2005 KAR 1214

Several bona fide small sales available	Average relevant instances; do not cherry-pick peaks	LAWWORLD 2017 SC 0741
Undeveloped but smaller exemplar	Smallness/waiting cut (e.g. 15%); full development cut may not apply	LAWWORLD 2003 KAR 07112

Minute plot sales irrelevant to large tracts

Supreme Court, 1994

For about 881 acres, sales of 120-250 sq. ft. plots-even if proved by vendors or vendees-were held absolutely irrelevant; a willing buyer would not offer small-plot rates for such a large area.

LawWorld ID: LAWWORLD 1994 SC 1163

Where the disparity is extreme-scores of sales under 100 square yards against hundreds of acres-small-plot rates are not a proper basis at all without large-chunk evidence, as held in [LAWWORLD 2017 SC 1023](#) and [LAWWORLD 1994 SC 1163](#). Time lag also matters: a genuine proximate deed beats mechanical reliance on an old unexhibited judgment with an eight-year gap ([LAWWORLD 2007 KAR 0338](#)).

TIP

How to present the adjustment

Lead with location sketch and encumbrance-backed certified deeds. State unit rate, then itemise the deduction (development / smallness / time) with reasons tied to the land's character. Prefer averaging a cluster of similar bona fide sales over a single peak instance.

What fails: registers, got-up deeds and double-counted potential

The **Basic Valuation Register** maintained for stamp duty has no statutory force for fixing compensation. Extracts from it cannot found market value and are rightly rejected ([LAWWORLD 1995 SC 0176](#)). Stamp-duty guideline rates under the statutory three-limb floor are a different exercise; the Register itself is not proof of what the market paid.

Basic Valuation Register not a basis for compensation

Supreme Court, 1995

Building-plot values in the Basic Valuation Register prepared for stamp duty have no statutory base for Section 23 market value; such extracts are of no assistance and were rightly rejected.

LawWorld ID: LAWWORLD 1995 SC 0176

Potential value is not a second head of compensation stacked on top of a developed-plot rate. Courts already reflect unusual position or development potential when choosing comparables and when fixing the deduction for undeveloped area and development cost. [LAWWORLD 1972 SC 057](#) shows potential assessed through comparable sales and proper allowances for roads, drains and development-not as an extra uplift after a full small-site rate. Claiming "potential" again after using converted or layout sales without deduction is double-counting and will fail.

- **Basic Valuation Register / guideline extracts alone** - no foundation for market

value under the acquisition enquiry.

- **Got-up, related-party or unregistered deeds** - lack bona fides; exclude before rate debate.
- **Distress and fractional-share sales** - not arms-length market evidence ([LAWWORLD 2009 SC 0221](#)).
- **Mutation entries as valuation proof** - inadmissible for fixing compensation.
- **Double-counted potential** - do not add potential uplift after already using developed small-plot rates without adequate deduction.

Cross-checks and building the case

Earlier awards for nearby lands and prior judgments may **corroborate** a rate already supported by sale deeds. They are not a substitute for comparable sales. Mechanical reliance on an old award or unexhibited judgment, especially across a long time gap and without adjusting for development and location, is an error ([LAWWORLD 2007 KAR 0338](#)). Use awards only to show consistency after the comparison method is properly applied.

Valuation proof checklist for higher market value

- ☐ Pull certified sale deeds (and encumbrance extracts) in the vicinity for the relevant pre-notification window.
- ☐ Mark each instance on a location sketch against the acquired survey numbers; note distance, road frontage and conversion.
- ☐ Discard distress, related-party, fractional-share, mutation-only and remote/dissimilar instances in writing.
- ☐ If exemplars are small or developed, state the development or smallness deduction and the band chosen with reasons.
- ☐ Average a cluster of bona fide similar sales; avoid sole reliance on the single highest deed.
- ☐ Treat earlier nearby awards only as corroboration after the sale-based rate is fixed.
- ☐ Do not plead Basic Valuation Register figures or a second "potential value" head on top of undeducted small-plot rates.
- ☐ Keep the computation trail: exemplar unit rate adjustments rate per unit of acquired land.

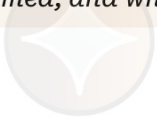
From raw deeds to defensible unit rate

1. Collect registered vicinity sales near the valuation date.
2. Filter for bona fides, similarity and location on the sketch.
3. Exclude outliers, distress and non-comparable landforms.
4. Average remaining genuine instances (or justify a best single comparable).
5. Apply size/development/time adjustments suited to the acquired tract.
6. Cross-check only-with nearby awards if available-then lock the claimed unit rate.

NOTE

Scope of this chapter

Limitation for reference and the formal application template are dealt with in later chapters. Here the sole focus is evidence quality: which sales survive scrutiny, how deductions are framed, and which shortcuts the Authority and courts discard.



09

Section 24 Lapse and Legacy Acquisitions under the 1894 Act

When old proceedings die, when they continue, and which compensation code applies

Section 24(1): No award versus award already made

Section 24 is the bridge between the repealed Land Acquisition Act, 1894 and the 2013 Act. It applies only to proceedings initiated under the 1894 Act. It does not rewrite acquisitions begun under other Central or State statutes. Two mutually exclusive tracks sit in sub-section (1).

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section 24

(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 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), where an award under section 11 has been made five years or more prior to commencement but 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 (text continues in the Act as enacted).

Section 24(1)(a) track

Where no award under Section 11 of the 1894 Act existed as on 1-1-2014, the acquisition does not lapse by reason of that fact alone; compensation must be determined under the 2013 Act's valuation and add-on provisions.

Section 24(1)(b) track

Where an award under Section 11 of the 1894 Act had already been made as on commencement, the proceedings continue under the 1894 Act as if it had not been repealed, subject only to the separate deemed-lapse rule in Section 24(2).

Under clause (a), absence of an award on commencement does **not** kill the acquisition. The file survives, but the Collector must fix compensation under the 2013 code-market value, multiplication factor, assets, solatium and interest as later chapters detail. Under clause (b), a pre-commencement award keeps the 1894 procedure alive for the balance of the case. Sub-sections (1) and (2) operate in different fields: clause (b) is not rewritten by

the proviso attached to sub-section (2).

Scope of Section 24(1)(a) and (b)

2022 SC

Reiterates Constitution Bench law: no award on 1-1-2014 no lapse; compensation under the 2013 Act. Award within five years before commencement (excluding stay periods) proceedings continue under the 1894 Act under Section 24(1)(b).

LawWorld ID: LAWWORLD 2022 SC 1219

Interim restraint and the 'no award' phrase

2022 SC

"Where no award ... has been made" in Section 24(1)(a) covers official inaction, not cases where the Collector was stayed. Periods under interim orders are excluded; a landowner who obtained the stay cannot claim the 2013 compensation package merely because no award stood on 1-1-2014.

LawWorld ID: LAWWORLD 2022 SC 057

WARNING

Deemed reference date on the (1)(a) track

When Section 24(1)(a) forces compensation under the 2013 Act, counsel must lock the statutory reference date for market value to the 2013 framework and the pending notification history. Do not value as if a fresh 2013 preliminary notification were issued on the date of the new award, and do not drift back to 1894 Section 23 dates without checking the file's actual notification and declaration.

Section 24(2): Deemed lapse and the twin conditions

Sub-section (2) is a non-obstante deeming rule. It reaches only where an award under Section 11 of the 1894 Act was made **five years or more** before 1-1-2014. Lapse is not automatic on age of award alone. The Constitution Bench clarification-followed uniformly thereafter-reads the word "or" between physical possession and compensation as "nor"/"and". Deemed lapse arises only where, for five years or more before commencement, **neither** physical possession was taken **nor** compensation was paid, and that dual failure is attributable to authority inaction.

'Or' read as 'nor'/'and' - twin conditions

2022 SC

Deemed lapse under Section 24(2) occurs only where for five years or more before 1-1-2014 neither possession has been taken nor compensation paid. If either possession has been taken or compensation has been paid, there is no lapse.

LawWorld ID: LAWWORLD 2022 SC 1237

Earlier contrary line overruled

2022 SC

The Pune Municipal Corporation line is overruled. Mere non-deposit in court does not cause lapse; tender under Section 31(1) of the 1894 Act and the twin-condition test control.

LawWorld ID: LAWWORLD 2022 SC 0366

- **Possession taken, compensation unpaid** no lapse; acquisition survives.
- **Compensation paid (or validly tendered), possession not taken** no lapse.
- **Neither possession nor payment for five-plus years before 1-1-2014, due to authority inaction** deemed lapse.
- **Landowner's own challenge kept possession out** landowner cannot turn that failure into a Section 24(2) lapse.

Possession taken defeats lapse plea

2022 SC

High Court lapse order founded only on non-payment was quashed where possession had already been taken; non-payment alone does not attract Section 24(2).

LawWorld ID: LAWWORLD 2022 SC 1160

Pending landowner challenges and possession

2022 SC

Where possession could not be taken because landowners themselves kept challenges alive and those challenges failed, they cannot later plead deemed lapse for want of possession.

LawWorld ID: LAWWORLD 2022 SC 1217

General Clauses Act cannot save a lapsed file

2014 SC

Once Section 24(2) deems proceedings to have lapsed, Section 114(2) of the 2013 Act read with Section 6 of the General Clauses Act cannot preserve them; Section 24(2) is a specific fiction that prevails.

LawWorld ID: LAWWORLD 2014 SC 0138

What 'paid' and 'possession' mean; excluding stay periods

Paid (Section 24(2))

Tender of compensation under Section 31(1) of the 1894 Act to the person interested. Valid tender satisfies "paid". Mere non-deposit in the reference court does not reopen a concluded acquisition or produce lapse; non-deposit may attract interest or other statutory consequences, not Section 24(2) extinction.

Physical possession (Section 24(2))

Actual physical possession taken by the acquiring body, as distinct from paper vesting under Section 16 of the 1894 Act alone. Proof is drawn from possession mahazars, handing-over memos, mutation and revenue entries, and contemporaneous official correspondence-not from a bare assertion of deemed vesting.

Meaning of 'paid' and twin conditions

2022 SC

Lapse only if both non-payment and non-possession coexist for five years or more. "Paid" means tender under Section 31(1); mere non-deposit in court does not cause lapse.

LawWorld ID: LAWWORLD 2022 SC 0536

Treasury deposit and possession

2022 SC

Where compensation was deposited in the treasury and possession was taken, there is no lapse; non-deposit in court by itself is not enough.

LawWorld ID: LAWWORLD 2022 SC 058

The five-year clock excludes periods covered by interim court stays that prevented the State from taking possession or making payment. Time frozen by the landowner's injunction does not count toward the inaction that Section 24(2) punishes. Equally, under Section 24(1)(a), stay against drawing the award keeps the case off the pure "no award" windfall.

TIP

Evidence that usually decides the twin test

Pull the award, Section 12(2) notices, payment/tender receipts or refusal endorsements, treasury challans, Section 31 deposit orders if any, possession proceedings, panchnamas, mutation and RTC/record-of-rights, and the full stay-vacate timeline from every writ or reference. Lapse fails if **either** limb is proved in the State's favour for the pre-commencement five-year window.

After lapse or survival: re-acquisition and which code applies

If Section 24(2) lapse is established, the 1894 proceeding is dead. Fresh acquisition, if still required for a public purpose, must restart under the 2013 Act-including SIA and consent where applicable, notification, declaration, award and R&R. Compensation then follows the full 2013 stack. If the acquisition survives because either possession or payment is proved, quantum and pending steps stay on the track Section 24(1) assigns: 2013 determination where no award existed; 1894 continuance where an award already stood, unless a separate 2013 obligation is expressly attracted.

Section 24 screening sequence

1. Confirm initiation was under the 1894 Act (not a distinct development or State acquisition code).
2. Ask whether a Section 11 award existed on 1-1-2014.
3. If no award: apply Section 24(1)(a)-no lapse; determine compensation under the 2013 Act; exclude award delay caused by interim stay.
4. If award exists: apply Section 24(1)(b)-proceedings continue under the 1894 Act.
5. Separately test Section 24(2): was the award five years or more before 1-1-2014?
6. If yes, prove or disprove **both** non-possession and non-payment across five years, excluding stay periods and landowner-caused blockage.
7. Either limb satisfied by the State no deemed lapse; both limbs fail through authority inaction lapse and fresh 2013 acquisition if land is still needed.

Practitioner checklist - Section 24 file

- ☐ Statute of initiation: 1894 Act versus other enactment.

- ☐ Award date under Section 11 of the 1894 Act relative to 1-1-2014.
- ☐ Stay orders and vacating orders affecting award, payment or possession-calculate excludable time.
- ☐ Proof of physical possession (mahazars, handing-over, mutation) versus paper vesting only.
- ☐ Proof of tender/payment under Section 31(1); do not treat treasury park or non-deposit in court as automatic lapse.
- ☐ Whether possession was blocked by the claimant's own petitions.
- ☐ If lapse: advise on re-notification under the 2013 Act and preserve limitation for any restitution or use-and-occupation claims as facts allow.
- ☐ If Section 24(1)(a) survival: audit compensation strictly under the 2013 heads and fix the correct valuation reference date.
- ☐ If Section 24(1)(b) survival: continue 1894 remedies (reference, apportionment) without demanding 2013 solatium as of right.

NOTE

Forum discipline

A pure Section 24 lapse plea is typically raised in writ jurisdiction on jurisdictional facts of award age, possession and payment. Quantum disputes on a surviving award still belong in reference. Do not collapse ordinary illegality grounds into the lapse enquiry; this chapter is confined to when old proceedings die, when they continue, and which compensation code applies.

10

Urgency Clause Acquisitions: Special Power and Its Limits

Special pathway, truncated process, and judicial control

When urgency may be invoked

Urgency under the 2013 Act is an exceptional pathway. The governing principles are those long settled for the old urgency power: the appropriate Government may abridge ordinary safeguards only in cases of **real urgency**, not merely because the project is important or beneficial. *Radhy Shyam principles* hold that the power is extraordinary and may be used only if even a short delay of weeks or months would frustrate the public purpose. Mere existence of a public purpose does not, by itself, justify cutting out hearing.

Scope of urgency power under Sections 17(1) and 17(4)

Supreme Court, 2012

Exceptional power to eliminate enquiry only in deserving cases of real urgency; infrastructure schemes that ordinarily take years do not, without more, justify dispensation. Pre- and post-notification delay bear on validity.

LawWorld ID: LAWWORLD 2012 SC 0139

Subjective satisfaction is entitled to weight, but the record must show application of mind to **why** enquiry should be dispensed with, not only that land is needed quickly. *Karnataka High Court, 2008* stresses that urgency alone is not enough; a distinct opinion to drop the hearing is required. What matters is urgency on the date of the decision; earlier lethargy is not always fatal if urgency then exists *Supreme Court, 1971*, yet long unexplained delay before notification can still expose the invocation as hollow *Supreme Court, 2011*.

real urgency

A situation in which even a short further delay of weeks or months in completing acquisition steps would frustrate the public purpose; not satisfied by the mere importance, scale, or long-term public benefit of a project.

What is truncated and what still binds

Truncated versus residual obligations

- **Typically truncated:** full pre-declaration enquiry/hearing of objections; ordinary sequencing that delays possession.

- **Still bites - compensation:** market-value determination, statutory add-ons, and a speaking award path remain; urgency does not license a nil or arbitrary figure.
- **Still bites - tender/payment trail:** estimated compensation must be tendered or paid before accelerated possession where the framework so requires; keep deposit and receipt proof.
- **Still bites - R&R:** the parallel rehabilitation track and possession bar on non-compliance are not erased (see Chapter 5).
- **Still bites - public purpose and colourable-exercise review:** urgency does not immunise fraud on power or private benefit dressed as public need.

NOTE

Eighty-percent deposit under the old code

Under the 1894 urgency machinery, substantial compliance with the estimated-compensation deposit was treated as a statutory pre-condition to taking possession. *Karnataka High Court, 2025* accepted substantial deposit and part receipt under indemnity. Treat that figure as **legacy practice guidance** when auditing old files or analogous deposit conditions-not as freestanding 2013 operative text.

Urgency accelerates process; it does not cancel fair compensation or rehabilitation. Where R&R applies, non-compliance can still stall lawful possession even if hearing was validly shortened. Counsel should audit the R&R scheme and possession papers in every urgency file, not only the notification that invoked urgency.

Misuse patterns, proof, and moulded relief

Typical misuse is labelling **routine** development-housing colonies, ordinary roads, phased markets-as urgent without material showing that a short delay would defeat the purpose. Courts reject bare "possibility of encroachment" or generic public benefit as a substitute for real urgency *Supreme Court, 1998*. Time-bound, funded irrigation reaches nearing completion have been upheld where mala fides were not proved *Karnataka High Court, 2016*; the contrast is evidentiary, not rhetorical.

Land Acquisition - Urgency under s.17 and exclusion of s.5-A

Supreme Court, 2011

District-jail acquisition quashed path: long unexplained delays between district creation, proposal, land identification and notifications showed lethargy; mere public purpose did not justify eliminating enquiry.

LawWorld ID: LAWWORLD 2011 SC 0810

- **Evidence to quash:** file notings with no urgency reasoning; multi-year gap from proposal to notification; identical urgency stamp on every parcel in a slow scheme; purpose that serves a private endpoint.
- **Evidence to sustain:** contemporaneous high-level minutes, funding deadlines, physical progress that a short pause would strand, and a speaking order linking those facts to dispensation of hearing.
- **Moulded relief:** where acquisition stands but delay after urgency invocation has frozen the owner's market, pray to **advance the valuation date** or adopt a later

reference date so compensation tracks prejudice-without reopening ordinary notification defects already covered in Chapters 2-3.

TIP

Keep the challenge lane clean

Attack **urgency and dispensation** on real-urgency and non-application grounds. Do not dilute the writ with generic Section 11/15 publication or objection points already mapped earlier; those belong in the ordinary notification lane. Use colourable-exercise doctrine only where the record shows private benefit or no public purpose at all *Supreme Court, 2007*.

Post-notification administrative delay does not automatically erase a valid earlier urgency decision *Karnataka High Court, 2016*, but unexplained pre-notification lethargy remains powerful impeachment material. Build the paper trail first; the court will not re-weigh policy if the file shows genuine, contemporaneous urgency.



11

Apportionment Disputes among Persons Interested

Title fights inside the award and how the Collector and Authority sort them

Persons interested and the composite unit

person interested

Anyone who claims an interest in the land acquired or in the compensation payable for it-including owners, co-sharers, tenants with compensable rights, mortgagees, attaching decree-holders, and others whose interest is extinguished by acquisition-not limited to those already named in the award.

Acquisition extinguishes every outstanding private interest in the notified land. The land is taken as a **single composite unit**, whatever the multiplicity of titles, shares, tenancies or charges. The Collector must first determine the total compensation for extinguishing all those interests, and only thereafter apportion that sum among persons known or believed to be interested.

Composite unit and duty to apportion

LAWWORLD 1968 SC 0316

Compensation is fixed for the unit as a whole; apportionment follows among all known interested persons. One interest-holder's acquiescence does not defeat another's right to a share-e.g., a kanamdar remains entitled despite the jenmi's silence.

Interest in compensation suffices

LAWWORLD 1967 SC 0825

'Person interested' is inclusive: a claim to the compensation money is enough. An attaching decree-holder is entitled to be heard on quantum and apportionment.

Collector's duty: apportion or refer

Where claimants **agree** on shares, the Collector incorporates that agreement in the award; it binds the agreeing parties inter se. Where they **disagree**, the Collector has no power finally to decide title. He must either make a provisional apportionment among those he believes entitled, or deposit the amount and refer the dispute on persons entitled or on shares. Payment or deposit discharges the State; rivals then fight among themselves.

Award not final on title among claimants

LAWWORLD 1965 SC 0335

Apportionment in the award is conclusive between Collector and persons interested, not among the claimants themselves. Rivals may agitate title by reference or by separate suit, including where title devolves after the award.

Two reference tracks for apportionment

LAWWORLD 2013 SC 1210

Objection to an apportionment already made in the award is one track; reference where no apportionment could be made because of conflicting claims is the other. The right to press for higher compensation crystallises only after a claimant is held entitled to a share.

Distinct fields of the two references

LAWWORLD 2003 SC 017

The quantum/measurement reference is time-bound and available to a person interested who has not accepted the award. The apportionment/entitlement reference is discretionary with the Collector, not confined by the same limitation, and covers who is to receive the already-determined compensation-including post-award devolution.

TIP

Pure title versus shares in a pool

Pure title: rival claims to the whole or to mutually exclusive estates (sale vs. heirship, competing grants). Push for deposit and reference; lead registered title, mutations, and possession. Do not concede a joint pool. **Share dispute:** co-owners or coparceners accept a common pool and fight only percentages. Plead undivided shares, family arrangements, and revenue khata; one co-owner's reference can protect others on the joint estate.

Co-owner reference enures for others

LAWWORLD 1991 SC 0814

Where ancestral property is held in common undivided shares, a reference by one coparcener stating the land belongs to him and his brothers is treated as on behalf of all; enhancement benefits the joint body.

Tenancy, encumbrances and weak paper title

Tenants and encumbrancers are persons interested only to the extent their interest is compensable and proved. Unregistered relinquishments, disputed agreements of sale, and self-serving revenue entries rarely carry the day against registered title and settled khata.

Unregistered deeds and agreements of sale

LAWWORLD 2008 KAR 1123

Unregistered relinquishment deeds confer no title; a disputed agreement of sale with names absent from revenue records is insufficient to claim compensation.

Registered sales and revenue control

LAWWORLD 2025 KAR 1130

Undisputed registered sale deeds plus khata and tax receipts at acquisition prevail; a rival who has not perfected title by adverse possession cannot take the award.

Lawful tenancy must be proved

LAWWORLD 1999 KAR 085

Failure to prove lawful tenancy and reliance on improper revenue entries defeat a claim to occupancy or a compensable tenant share.

Remedies if left out of the award

Omission from the award is not the end. Seek impleadment before the Collector while the enquiry is open; if the award has gone, press a reference on entitlement or apportionment, or a civil suit on title where reference is unavailable. Distinct quantified shares support independent appeals without mutual destruction of final decrees.

Distinct shares and separate appeals

LAWWORLD 2002 SC 1249

Where claimants assert specified distinct shares, the apportionment judgment is a cluster of decrees; non-appeal or abatement by some does not bar adjudication of the others' shares.

Apportionment dispute checklist

- ☐ Pull award, notices, and list of persons interested; note who was served and who was omitted
- ☐ Classify the fight: pure title vs share percentages in an agreed pool
- ☐ Assemble registered title, mutations, tax receipts, tenancy orders, mortgage/attachment papers
- ☐ Ask Collector to apportion if shares are clear, or to deposit and refer if title is contested
- ☐ If left out, move for reference on entitlement or file suit; watch limitation on any quantum reference after your share is fixed
- ☐ In co-ownership, ensure one reference expressly covers the joint estate so enhancement enures for all

WARNING

Do not treat the Collector as a title court

*The Collector's apportionment binds the State for payment purposes but does **not** finally adjudicate rival titles. Heavy title evidence belongs in the reference or the civil court-not in a one-sided award enquiry that rivals never fully contested.*

12

Reference to the Authority: Strategy and Application Template

Section 64 pathway, pleadings structure, and sample operative paragraphs

Who may refer, limitation, and what the Collector must forward

Any person interested who has not accepted the Collector's award may seek a reference to the Land Acquisition, Rehabilitation and Resettlement Authority under Section 64. The pathway covers both quantum of compensation and rehabilitation and resettlement entitlements. The Authority exists for speedy disposal of disputes on acquisition, compensation and R&R.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section 51

The appropriate Government shall establish one or more Land Acquisition, Rehabilitation and Resettlement Authorities to exercise jurisdiction over references under Section 64 (and applications under the second proviso to Section 64(1)), and shall notify the areas of each Authority's jurisdiction.

Reference under Section 64

A statutory application by a person interested who has not accepted the Collector's award, requiring the Collector to forward the dispute to the Authority for redetermination of compensation and, where pleaded, R&R entitlements.

Limitation is strict. File within the period counted from the date of the award when the applicant was present or represented at the making of the award, or from receipt of award notice, or from actual or constructive knowledge of the award's essential contents when notice was not duly served. Do not treat the bare date of filing the award in the Collector's office as the start if the client was neither present nor notified.

LAWWORLD 2010 SC 0247

Supreme Court, 2010

For persons not present at the award, 'date of the Collector's award' means the date of actual or constructive knowledge of the essential contents; a literal reading produces unjust results and risks Article 14 and 300-A infirmity.

LawWorld ID: LAWWORLD 2010 SC 0247

LAWWORLD 1961 SC 0356

Supreme Court, 1961

Immediate notice of the award to absentees is obligatory; limitation cannot run so as to defeat the reference right because the Collector failed to communicate the award.

LawWorld ID: LAWWORLD 1961 SC 0356

LAWWORLD 1996 SC 0258

Supreme Court, 1996

The Collector acting on a reference application is a statutory authority, not a 'court'; Section 5 of the Limitation Act does not empower condonation of delay beyond the special period.

LawWorld ID: LAWWORLD 1996 SC 0258

LAWWORLD 2005 SC 0912

Supreme Court, 2005

Maps the three limitation situations-presence at award; receipt of notice; and the residual knowledge limb-and treats effective notice (including telegram) as starting the clock.

LawWorld ID: LAWWORLD 2005 SC 0912

WARNING

No casual condonation

Special limitation under this self-contained compensation code is enforced tightly. Diary the award date, notice date and first knowledge date at intake. Late references are routinely rejected; do not rely on Section 5 style excuses.

On a valid application the Collector must forward to the Authority the application, the award, the land schedule and measurements, claim statements and objections recorded at enquiry, notices issued, apportionment particulars, and the R&R award materials where R&R was determined. Incomplete forwarding delays listing-chase a certified forwarding memo.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section 23

The Collector's award under his hand states the true area of the land, the compensation determined under section 27 together with the Rehabilitation and Resettlement Award under section 31, and the apportionment among persons known or believed to be interested.

Authority's power to redetermine compensation and R&R

Once seized, the Authority redetermines market value and statutory add-ons and may correct or grant R&R heads that the Collector omitted or under-allowed. Plead both tracks in one reference when facts support them. The Authority is a single-member body headed by a Presiding Officer.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Section 52

The Authority consists of one person only (the Presiding Officer) appointed by

notification by the appropriate Government, to exercise the powers conferred under the Act.

Strategy: attack the Section 26 floor with genuine vicinity sales, then stack multiplication factor, assets, solatium and parameter heads, and interest from possession or delayed tender. On R&R, tie each Second Schedule head to displacement and livelihood facts already on the Administrator's record. Keep pure title fights on a parallel track; the reference is not a substitute title suit.

Reference-application template

Draft the application as a focused pleading the Collector can forward without repair. Use the following structure and adapt operative paragraphs to the file.

Parties, jurisdiction and award particulars

1. **Cause title:** Applicant (person interested / landowner / affected family) versus the Collector/Land Acquisition Officer, the Requiring Body, and any rival claimants shown in the award.
2. **Jurisdiction paragraph:** State the notified Authority and the district/taluk of the acquired land under the Section 51 notification.
3. **Award block:** Award number and date; notification and declaration dates and numbers; village, survey/gat numbers; area awarded; compensation and R&R figures; date of notice of award or of first knowledge; statement that the award is not accepted.
4. **Limitation paragraph:** Plead presence/absence at award, date of Section-style award notice, or facts of first knowledge; annex the notice or knowledge proof.

Grounds - market value and statutory add-ons

Sample operative grounds (tailor with figures): (a) The awarded market value ignores higher bona fide vicinity sales proximate in time and is below the Section 26 floor. (b) The rural/urban multiplication factor was misapplied to the village classification. (c) Structures, trees, crops and other assets were omitted or undervalued. (d) Solatium at one hundred percent and interest were not correctly stacked. (e) Severance, injurious affection and shift costs were not considered though pleaded at enquiry. (f) R&R heads due to the applicant as an affected family were denied or truncated without reasons.

Interim prayers and schedule of lands

- **Interim:** Restraint on dispossession without deposit/tender of awarded sums and R&R compliance; direction to produce the full acquisition and R&R record; permission to lead additional sale and valuation evidence.
- **Final:** Redetermine market value at not less than Rs ____ per unit; apply multiplication factor ____; add assets Rs ____; grant solatium and interest as per statute; grant specified R&R entitlements; costs.
- **Schedule of lands:** Survey/gat number, khata, area (hectare/acre), nature (dry/wet/garden), structures, shares claimed, and award serial-match the award

map to avoid identity disputes.

Pre-filing reference checklist

- ☐ Certified award, notifications, declaration and measurement sketches obtained
- ☐ Award notice or affidavit of first knowledge on file; limitation diary double-checked
- ☐ Non-acceptance of award stated expressly
- ☐ Rival interested persons named if apportionment is live
- ☐ Market-value grounds cross-linked to sale list (annexures; full proof in next stage)
- ☐ R&R grounds tied to family status and scheme gaps
- ☐ Land schedule totals match award area claimed
- ☐ Vakalat, identity and title extracts annexed

Amendment and additional evidence

Amend early to correct survey numbers, area, share and party description before issues are framed. Enhancement of the claim amount is ordinarily allowed when rooted in the same cause of action and no irreversible prejudice is shown to the Requiring Body. Additional evidence-certified sale deeds, encumbrance extracts, revenue maps, structure valuations-should be introduced by formal application stating relevance and why the material was not before the Collector.

TIP

Keep the record clean

Number annexures to match ground paragraphs. Do not overload the reference with a full computation sheet or exhaustive evidence index here-those practice tools follow in the next chapter. Mark a short 'without prejudice' valuation summary only if needed for interim deposit arguments.

Section 64 pathway at a glance

1. Intake: award, notice/knowledge dates, non-acceptance instructions
2. Draft application with parties, particulars, grounds, interim relief, land schedule
3. File before Collector within limitation; obtain acknowledgment
4. Chase forwarding of award record and R&R papers to the Authority
5. On listing: amendments, additional evidence applications, issues
6. Trial on market value, add-ons and R&R; written submissions
7. Award of Authority; plan appeal or execution

A tight reference preserves every statutory head without converting the Authority into a writ court. Forum choice for jurisdictional attacks remains for the writ chapter; use Section 64 when the real grievance is quantum or R&R measurement.

13

Evidence Checklist and Compensation Computation Sheet

What to file and how to calculate payable figures before the Authority

Evidence checklist for the reference

File a tight, numbered paper book. Lead with process papers that fix the statutory timeline, then title and possession, then valuation, then R&R and any lapse plea. Mark every exhibit and cross-refer it to the ground in the reference application. Do not dump uncertified photocopies; obtain certified extracts wherever the statute or practice permits.

Core documents to file

- ☐ Certified copy of the Collector's award with full schedule, apportionment and date of notice to the claimant
- ☐ Preliminary notification, declaration, and all corrigenda or extension orders with publication proof
- ☐ Claimant's title deeds, latest mutation, jamabandi/RTC or record-of-rights, and tax receipts
- ☐ Encumbrance certificate covering at least the pre-notification look-back used for comparables
- ☐ Certified copies of registered sale deeds relied on as comparables, plus vicinity sketch tying each sale to the acquired land
- ☐ Location sketch / village map showing acquired survey numbers, abutting roads and development
- ☐ Structure, tree and crop valuation reports (departmental or independent) with photographs and measurement sheets
- ☐ R&R entitlement proof: family identity, displacement facts, livelihood loss, caste certificates where Schedule preferences apply
- ☐ For Section 24 lapse pleas: proof of non-payment or non-tender, and proof that physical possession was not taken (or was taken only on paper)
- ☐ Bank statements or receipts showing amounts actually received, to support the 'less paid' column

comparable sale instance

A bona fide registered sale of similar land in the vicinity, close in time to the relevant notification date, used to prove market value. Admissibility of the certified copy is

distinct from the weight the Authority later gives to size, location and development differences.

On sale deeds, produce **certified copies** of registered instruments. Under the settled reading of Section 51-A of the old Act (still the practical guide for proof technique), a certified copy may be accepted as evidence of the transaction recorded without examining vendor or vendee; the Authority then weighs reliability. Prefer clean, arm's-length sales and be ready to drop any instance attacked as sham.

Certified copies of sale deeds in acquisition references

LAWWORLD 2001 SC 0748

Certified copies of registered sale deeds are admissible and may be relied on without examining vendor or purchaser; the court may still reject a transaction if specifically shown to be mala fide or sham. Use this to defeat mechanical objections that parties to every exemplar must enter the box.

TIP

Lapse and possession bundle

For a Section 24 plea, keep a separate sub-folder: award extract, payment challans or nil-payment certificate, possession mahazar or its absence, stay orders that stopped the clock, and a short chronology. Do not mix this with the quantum paper book.

Compensation computation sheet

Rebuild every award on a single sheet before the hearing. Use one row per survey number or per agreed land category. Keep formulae visible so the Authority can follow the stack from market value to net payable.

Stacking order (left to right on the sheet)

1. Market value per unit (sq. m. / acre) as on the relevant date under Section 26
2. Multiply by acquired area of that parcel
3. Apply rural/urban multiplication factor to the land component only
4. Add value of assets attached to land (structures, trees, wells) without double-counting land
5. Add 100% solatium on (factored land value + assets)
6. Add pleaded additional parameters (crops, severance, injurious affection, dwelling/shift costs)
7. Run interest columns on the aggregate from the statutory triggers (delay / possession)
8. Subtract amounts already paid or deposited against the claimant's share

Column	What to enter	Check
A. MV per unit	Higher of stamp rate / sale average / consented amount	Date of reference correct?

B. Area	Award area; note any measurement dispute	Unit matches MV unit
C. Land value	$A \times B$	No mixing of acres and sq. m.
D. Mult. factor	Rural or urban factor on C only	Geography of parcel verified
E. Assets	Structures, trees, crops as valued	Not already inside MV
F. Solatium	100% on (D + E)	Not treated as discretionary
G. Other heads	Severance, affection, shift costs	Each head pleaded and proved
H. Subtotal	$D + E + F + G$	Before interest
I. Interest	Statutory rates and periods on H	Start date = possession/default
J. Less paid	Tender, deposit, or receipt under award	Apportion to this claimant
K. Net payable	$H + I - J$	Match prayer schedule

WARNING

Common sheet errors

Applying the multiplication factor to assets; computing solatium only on bare land; running interest on market value alone instead of the full aggregate; and forgetting to deduct sums already received under the Collector's award. Correct these before you open oral arguments.

Annex the filled sheet to the reference paper book and to any written submissions. Where the Authority enhances market value, the same sheet recalculates solatium, parameters and interest automatically—keep a digital version with unlocked formulae for same-day revision after judgment.

Interest runs on solatium and statutory add-ons

LAWWORLD 2008 SC 0820

For interest, the 'amount awarded' includes market value, additional amount and solatium; interest on those components is automatic and consequential. Build column I on the full subtotal, not on bare land value alone.

14

Drafting R&R Claims and Objections

Making schedule entitlements concrete in petitions and award objections

Pleading each Second Schedule head with facts

Do not plead Schedule heads as abstract labels. Tie every head to named persons, survey numbers, and loss. Displacement needs date of notice or physical ouster, family composition, and whether the dwelling is the only residence. Livelihood loss needs occupation (cultivator, agricultural labourer, tenant, artisan), income proof, and dependence on the acquired land. Cattle claims need headcount and fodder source. Artisan claims need trade, tools, and customer base lost. SC/ST preferences need caste certificate and the preferential land-for-land or additional package sought.

affected family (pleading sense)

For claim drafting, the unit that will receive a distinct Schedule entitlement-identify each adult member, joint or separate holding, and whether prior grant to one member exhausts the family's claim.

TIP

Family unit test

Joint holding and family relationship control entitlement, not separate residence. Once one member of a landless family takes the full package, further claims by co-members may fail-plead the unit carefully. See [LAWWORLD 2005 SC 019](#) .

Fact annexures per head

- ☐ *Housing: photo of dwelling, occupancy proof, family size, choice of house vs cash*
- ☐ *Land-for-land / SC-ST preference: caste certificate, extent lost, irrigated status, comparable land sought*
- ☐ *Subsistence grant: displacement date, monthly household spend, period claimed*
- ☐ *Annuity or employment: age, skill, nomination of one eligible member*
- ☐ *Cattle / petty shop / artisan: livestock list, shop licence or tool inventory, income estimate*
- ☐ *Infrastructural amenities: nearest school, road, drainage, drinking water gap at resettlement site*

Land for land and SC/ST oustees

LAWWORLD 2011 SC 0525

Mere cash may not restore livelihood for land-dependent and SC/ST oustees; plead

assistance to secure comparable land and bridge price gaps, grounding relief in dignified livelihood concerns.

Objecting to a deficient R&R scheme before finalisation

File written objections as soon as the draft scheme is published or served. Attack missing heads, under-counted families, omitted SC/ST preferences, and absence of site-wise infrastructural amenities. Demand a speaking disposal before the award is treated as complete. Courts treat a properly framed rehabilitation plan as integral to displacement, not a discretionary add-on-use that to press completeness, while accepting that package design remains largely a policy choice if it is reasoned and not arbitrary.

R&R package - reasonableness review

LAWWORLD 2003 SC 091

Displacement must be accompanied by a properly drafted relief and rehabilitation plan; components framed after due deliberation are policy matters and will not be rewritten if not unreasonable-object to gaps and non-application of mind, not to every policy calibration.

Objection timeline

1. Obtain draft R&R scheme and family-wise entitlement chart
2. Map each client family to Second Schedule heads with fact annexures
3. Lodge objections listing omissions, wrong family units, and amenity gaps
4. Seek hearing and written orders before scheme finalisation
5. Carry unresolved heads into award objections and, if needed, reference

Sample prayer blocks and the possession bar

Prayers must be executable. Name the family, the head, and the alternative (kind or cash) where the Schedule allows choice. Always add a possession restraint until R&R is tendered or provided as required.

- **Housing:** Direct provision of one constructed house / house site as per Second Schedule to the applicant family at Survey No. ___, or cash in lieu at the notified rate, within eight weeks.
- **Subsistence:** Pay subsistence allowance at the Schedule rate for twelve months from actual displacement to each affected family listed in Annexure A.
- **Annuity / employment:** Grant annuity of Rs ___ per month for twenty years, or appointment of one nominee against the project quota, at the family's written election.
- **Infrastructural amenities:** Provide roads, drainage, drinking water, and school access at the resettlement site before requiring vacation of the acquired dwelling.
- **Possession bar:** Restrain taking physical possession until compensation is tendered and applicable R&R entitlements are provided or deposited as directed.

WARNING

Non-compliance stalls possession

Incomplete R&R is not cured by paying land compensation alone. Plead the possession bar expressly in interim and final relief so dispossession cannot outrun rehabilitation.

Timed disbursement and vacation on deposit

LAWWORLD 2022 SC 1173

Illustrates court-supervised timelines for compensation and one-time rehabilitation packages, with vacation tied to deposit-use parallel structure when seeking timed R&R compliance before possession.

15

Writ Challenges and the Limitation-Forum Map

When to go to the High Court, when to stay on reference, and hard deadlines

Writ grounds versus quantum before the Authority

Article 226 is for **jurisdictional and process defects**, not for re-pricing the award. Certiorari and mandamus lie where the acquisition is void or the authority has refused a duty the statute casts on it. Quantum-market value, multiplication factor, assets, solatium, and interest-belongs on **reference to the Authority**. Mixing the two invites dismissal at the threshold.

certiorari / mandamus (acquisition)

Certiorari quashes a notification, declaration, award or possession step taken without jurisdiction, in mala fides, in breach of natural justice, or with patent non-application of mind. Mandamus compels performance of a statutory duty (for example, to consider objections, complete SIA steps, or act on a Section 24 lapse). Neither writ substitutes the High Court for the Authority on valuation.

- **Jurisdiction and colourable exercise** - no public purpose, wrong exemption from SIA, or acquisition for a private end dressed as public purpose.
- **Mala fides and natural justice** - hearing of objections denied, stale or sham SIA, or decision taken without considering material objections.
- **Lapse and statutory clocks** - Section 24 deemed lapse; award or declaration outside the outer time limits.
- **Patent non-application of mind** - non-speaking award, ignored claims, possession without tender or R&R where required.
- **Not writ matter** - higher sale instances, development deductions, or add-on arithmetic; those are reference grounds.

Where land was never acquired at all and is simply taken over, Section 18-style reference is not the remedy. The landholder may sue in the civil court for possession and compensation or invoke the writ court if State action is arbitrary. **LAWWORLD 2011 SC 0410**. Conversely, a person aggrieved only by the amount awarded must take the statutory reference route and cannot seek enhancement by mandamus. **LAWWORLD 2008 KAR 0626**; **LAWWORLD 2016 KAR 1135**.

Land taken without acquisition - reference inapplicable

LAWWORLD 2011 SC 0410

Section 18 lies only where the holder is aggrieved by an award for land acquired under the Act. If land was never acquired, remedies are a civil suit for possession/compensation or a writ where State action is arbitrary-not a forced reference.

Alternative remedy and interim protection

Expect the State to plead **alternative remedy**. Where an efficacious statutory path exists-reference on quantum, or the local mechanism to compel a stalled reference-the High Court ordinarily declines writ interference. [LAWWORLD 2007 KAR 0327](#); [LAWWORLD 2016 KAR 1135](#). Challenges to preliminary notification and declaration themselves are not maintainable as civil suits; the proper forum is the writ court. [LAWWORLD 2006 SC 0857](#).

Civil suit barred against Sections 4 and 6 notifications

LAWWORLD 2006 SC 0857

A civil suit cannot question a Section 4 notification or Section 6 declaration. The proper remedy is a writ petition. Use this to defeat title-style suits that attack the acquisition process rather than pure private rights.

Exceptions matter. A **beneficiary** burdened with compensation who was shut out of the reference may assail the Reference Court award under Article 226 even though a statutory appeal exists. [LAWWORLD 2004 KAR 0826](#); [LAWWORLD 2013 KAR 0912](#). Where neither appeal nor revision lies against a Reference Court order, Article 227 is the path; revisions may be converted into writs. [LAWWORLD 2016 KAR 0327](#).

TIP

Interim stay against dispossession

Pair every process or lapse writ with a focused interim prayer: restrain dispossession and creation of third-party rights pending disposal. Show balance of convenience-irreversible change on the ground, R&R non-compliance, or a live Section 24 plea. Do not ask the writ court to freeze quantum issues that the Authority must try; keep the interim tied to legality of acquisition or possession.

WARNING

Limitation on reference is unforgiving

Reference clocks run from award notice or knowledge as the statute frames them. The Collector/LAO is not a "court" for condonation under Section 5 of the Limitation Act; delayed Section 18-type applications cannot be salvaged that way. [LAWWORLD 1996 SC 0258](#); [LAWWORLD 1995 SC 0242](#). Diary the notice date the day it is served.

Limitation-and-forum map

Use the map below at intake. Forum choice turns on the **nature of the grievance**, not on convenience. Valuation evidence is led only in the forums marked for quantum; writ pleadings on SIA, notification, or lapse should not dump comparables as if the High

Court were the Authority.

Grievance	Forum	Limitation trigger (practical)	Where valuation evidence is led
SIA / consent / preliminary notification / declaration defects	High Court writ (Art. 226)	Promptly after publication or knowledge; delay invites laches	Not led - process and jurisdiction only
Quantum, add-ons, R&R heads in award	Reference to Authority	From award notice / knowledge under the Act's reference window; no S.5 condonation before Collector 1996 SC 0258	Full comparables, assets, schedules - primary forum
Section 24 lapse (no award / no possession-payment)	High Court writ; plead facts of non-payment and non-possession	As soon as lapse crystallises; support with possession and payment proof	Not primary - may note prejudice to valuation date only
Land taken without any acquisition	Civil suit for possession/compensation, or writ if arbitrary 2011 SC 0410	Suit limitation under general law; writ without unexplained delay	Suit: market evidence for damages; writ: usually not
Attack on S.4 / S.6-type notification by civil suit	Not maintainable - move writ 2006 SC 0857	N/A (wrong forum)	N/A
Compel stalled reference	Statutory move before Reference Court / local S.18(3)-type route; writ usually barred 2007 KAR 0327	As prescribed in the local reference-compulsion provision	After reference is made - before Authority
Appeal from Authority / Reference Court	Statutory appeal (e.g. S.54 hierarchy); beneficiary may use writ if denied hearing 2013 KAR 0912	Appeal period from decree/award as prescribed	Appellate re-appraisal of record already led below
No appeal/revision against particular Reference order	Article 227 writ; convert misconceived revisions 2016 KAR 0327	Promptly; explain any delay	Supervisory - no fresh valuation trial
Execution / recovery of awarded sums	Execution before the court/Authority that can enforce the award; mandamus only if payment duty flouted after finality	Execution limitation under general law from enforceability	Not reopened - enforce figures already fixed

Forum screen before filing

- ☐ Is the core plea process, jurisdiction, mala fides, natural justice, or lapse? draft writ.
- ☐ Is the core plea higher market value or statutory add-ons? reference application, not mandamus for enhancement.
- ☐ Was land acquired at all? If not suit or writ; do not force a reference.
- ☐ Diary award-notice date; test reference limitation before any condonation theory.
- ☐ For writs, plead interim restraint on dispossession and third-party rights with

possession/R&R facts.

- ☐ *If client is beneficiary shut out of reference consider Art. 226 despite appeal route.*
- ☐ *Keep comparables and computation sheets for the Authority record-not as bulk annexures to a pure process writ.*



16

Practice Pointers, Common Pitfalls and Outlook

Synthesis for the working file and where the law is still moving

Stage-keyed action list

Treat every new brief as a pipeline file. Work the stages in order; do not jump to quantum until intake, documents, lapse and R&R screens are clean.

Working-file sequence

- ☐ **Intake questions:** Who is person interested / affected family? Act year (1894 legacy or 2013)? Award date and notice date? Possession taken? Amount paid or deposited? Urgency invoked? R&R scheme published?
- ☐ **Document pulls:** Notifications, declaration, award, Section 12-type notice or knowledge proof, sale deeds and encumbrance extracts, revenue/mutation, location sketch, structure/crop valuations, R&R scheme and entitlement proof, possession and payment records.
- ☐ **Valuation audit:** Recompute market-value floor area rural/urban multiplication assets 100% solatium additional parameters interest; mark every missing line.
- ☐ **Lapse screen (legacy):** Was award made by commencement? Were both physical possession and payment completed? Exclude stay periods; preserve proof of non-payment and non-possession.
- ☐ **R&R screen:** Identify affected families; check Second Schedule heads pleaded; link non-compliance to possession bar.
- ☐ **Forum choice:** Quantum and R&R redetermination Authority reference; jurisdiction, mala fides, natural justice, patent lapse writ; watch alternative-remedy and limitation map from Chapter 15.

Recurring pitfalls

WARNING

Five file-killers

Missed limitation from award notice: Clock runs from knowledge of essential contents of the award, not a bare calendar date-yet constructive knowledge and service disputes still sink late references; diary notice, certified-copy receipt, and presence at award.

Unregistered or related-party sales: Got-up, post-awareness, and tiny-plot deeds fail the prudent-purchaser test for large tracts. **Ignoring multiplication geography:** Apply the correct rural/urban factor to the acquired parcel; do not borrow a neighbouring factor.

Treating solatium as discretionary: It is a statutory 100% add-on, not a bargaining chip.

Taking possession disputes lightly under Section 24: Paper possession or deposit without tender proof is not a substitute for the dual test-plead and prove facts with revenue and site evidence.

On comparables, sit in the armchair of a willing buyer: small-plot sales are not safe exemplars for large acquisitions, and average pricing of a few instances for huge parcels is unsafe. See **small-plot caution** and **average-price caution**. On limitation, knowledge means essential contents, actual or constructive- **date of award**, **s.18 knowledge**, **effective notice**.

Limitation - meaning of date of the award

LAWWORLD 1961 SC 0356

"Date of the award" for reference limitation is the date the award is communicated or known, actually or constructively-not merely the signing date. Use this when intake shows no Section 12-type notice or non-presence at award.

Outlook: where files will keep coming

Three themes will continue to feed dockets. **Legacy awards** under the old Act still generate Section 24 lapse and deemed-reference-date fights, especially where possession and payment records are incomplete. **Large infrastructure timelines** -corridors, industrial nodes, urban expansion-stretch SIA-to-award clocks and multiply urgency, extension, and possession challenges. **Digital land records** will sharpen (and sometimes complicate) proof of title, mutation, and "persons interested," but scanned registers do not cure weak comparables or missing R&R compliance.

TIP

Close the file disciplined

No prediction of outcomes is offered. Keep the computation sheet, evidence checklist, and forum map updated on every listing. Fair compensation under the 2013 Act is won on process discipline and proof-not on rhetoric.

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