

THE LAND ACQUISITION (KARNATAKA EXTENSION AND AMENDMENT) ACT, 1961.

ARRANGEMENT OF SECTIONS

Sections :

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35. Substitution of new section for section 54 of Central Act I of 1894.

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STATEMENT OF OBJECTS AND REASONS

Act 17 of 1961.- The Mysore Land Acquisition Act, 1894 (Mysore Act 7 of 1894) which is the law in force in the Mysore Area and Land Acquisition Act, 1309F (Hyderabad Act 9 of 1309 Fasli), which is the law in force in the Hyderabad Area are not materially different in any respect from the Central Act. The Central Act is in force in Coorg district and in the Bombay Area and the Madras Area with certain local amendments. Such of the local amendments in force in Bombay and Madras Areas as are considered necessary have been incorporated in the draft Bill.

Amendment of section 11 of the principal Act by clause 6 of the Bill provided for prior approval of draft award by State Government or officers empowered in this behalf with a view to see that the valuation is correct. The proposed new section 12A which will be inserted by clause 8 of the Bill provides for rectification of clerical or arithmetical mistakes occurring in the award and also provides for recovery of overpayment made as arrears of land revenue. By clause 9, new section 15A will be inserted in the principal Act enabling Government to call for proceedings at any time before award is made and to pass suitable orders. Amendment to section 17 of the principal Act by clause 10 of the Bill provides for acquisition under emergency clause, of waste or arable lands notwithstanding the existence of scattered trees or temporary structures and makes it possible to resort to this section for purposes of maintaining the road communication or irrigation or water supply services due to breach or other unforeseen events causing damage to roads, rivers, canals and tanks, etc. It also provides for acquisition under emergency clause for purposes of any library or educational institutions, any building in any village for common use, etc. Clause 13 of the Bill amends the principal Act so as to reduce the rate of interest from 6 per cent to 4 1/2 per cent. In order to ensure prompt payment of enhanced compensation awarded by the Courts, specific provision has been made by adding a new sub-section to section 50 to enable recovery of the amounts from the local authority or company.

The amendments sought to be effected to the principal Act by clauses 5, 6, 7, 8, 9, 13, and 14 are already in force in Bombay Area and that sought to be effected by clause 10 is in force in Madras Area. The remaining amendments are either consequential or new ones introduced of reasons explained above.

The draft Bill extends the Central Land Acquisition Act with the necessary amendments to the entire State so as to have a uniform law on the subject.

(Obtained from File No. LAW. 124 LGN 58.)

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¹[KARNATAKA]¹ ACT No. 17 OF 1961.

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-fourth Day of August 1961)

**THE LAND ACQUISITION (¹[KARNATAKA]¹ EXTENSION AND AMENDMENT) ACT,
1961.**

(Received the assent of the President on the Sixteenth Day of August 1961)

An Act to extend the Land Acquisition Act, 1894 (Central Act 1 of 1894), to the whole of the ¹[State of Karnataka]¹ and further to amend it in its application to the State.

WHEREAS it is expedient to extend the Land Acquisition Act, 1894 (Central Act 1 of 1894), to the whole of the ¹[State of Karnataka]¹ and further to amend it in its application to the ¹[State of Karnataka]¹ ;

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Twelfth Year of the Republic of India as follows :-

1. Short title, extent and commencement.- (1) This Act may be called the Land Acquisition (¹[Karnataka]¹ Extension and Amendment) Act, 1961.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

(3) it shall come into force at once.

2. Repeal of certain Acts.- (1) The Mysore Land Acquisition Act, 1894 (Mysore Act VII of 1894), as in force in the Mysore Area; the Land Acquisition Act, 1309 (Hyderabad Act IX of 1309 Fasli), as in force in the ¹[Gulburga Area]¹; the land Acquisition (Bombay Amendment) Act, 1938 (Bombay Act XVIII of 1938), the Land Acquisition (Bombay Amendment) Act, 1945 (Bombay Act XX of 1945), the Land Acquisition (Bombay Amendment) Act, 1948 (Bombay Act IV of 1948), the Land Acquisition (Bombay Amendment) Act, 1950 (Bombay Act XXVII of 1950), the Land Acquisition (Bombay Amendment) Act, 1953 (Bombay Act XXXV of 1953), as in force in the ¹[Belgaum Area]¹; the Land Acquisition (Madras Amendment) Act, 1948 (Madras Act XXI of 1948) and the Land Acquisition (Madras Amendment) Act, 1953 (Madras Act XII of 1953), as in force in the ¹[Mangalore and Kollegal Area]¹, are hereby repealed.

(2) As from the date of commencement of this Act, the amendments made by the Acts repealed by sub-section (1) (hereinafter in this section referred to as the repealed Acts) shall cease to continue and shall be omitted from the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter in this Act referred to as the principal Act), and such of the provisions thereof as were affected by the repealed Acts shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the repealed Acts; and after such revival, the amendments made to the principal Act by this Act shall become operative:

Provided that in respect of provisions which cease to continue by virtue of this section, the provisions of section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899), shall be applicable as if such provisions were enactments repealed by a ¹[Karnataka]¹ Act and in respect of provisions which cease to continue but are re-enacted by this Act, the provision of section 24 of the said ¹[Karnataka]¹ General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed but re-enacted by a ¹[Karnataka]¹ Act.

3. Extension of Central Act I of 1894 to the whole of the '[State of Karnataka]'.- The Land Acquisition Act, 1894 (Central Act I of 1894), as amended by this Act is hereby extended to and shall be in force in the whole of the '[State of Karnataka]'.

4. Substitution of expression "Deputy Commissioner", for the expression Collector in the Central Act I of 1894.- In the principal Act, for the word "Collector" wherever it occurs, the words "Deputy Commissioner" shall be substituted.

5. Amendment of section 1 of Central Act I of 1894.- In sub-section (2) of section 1 of the principal Act, after the expression "except the territories which, immediately before the first November 1956, were comprised in Part B States", the expression "other than territories specified in clauses (a) and (c) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)" shall be added.

6. Amendment of section 3 of Central Act I of 1894.- In section 3 of the principal Act,-

(1) after clause (a), the following clause shall be inserted, namely:-

"(aa) the expression 'arable land' includes garden land";

(2) in clause (c) for the words "Deputy Commissioner" the words "an Assistant Commissioner in-charge of a sub-division of a district" shall be substituted;

(3) for clause (d), the following clause shall be substituted, namely:-

"(d) the expression "Court" means a principal civil court of original jurisdiction, and includes any other civil court empowered by the State Government by notification in the official gazette, to perform the functions of the court under this Act, within the pecuniary and local limits of its jurisdiction;"

(4) after clause (d), the following clause shall be inserted, namely:-

"(dd) the expression "Co-operative Society" means a registered society within the meaning of the Co-operative Societies Act, 1912 (Central Act II of 1912), or any society registered or deemed to be registered under any law corresponding to that Act for the time being in force in any part of India";

(5) for clause (e), the following clause shall be substituted, namely:-

"(e) the expression 'Company' means,-

(i) a company formed and registered under the Companies Act, 1956 (Central Act I of 1956),

(ii) a company formed and registered under any previous Company law for the time being in force in any part of India other than the State of Jammu and Kashmir;

(iii) a company formed and registered under any law for the time being in force in the State of Jammu and Kashmir;

(iv) a company,-

(a) incorporated under any law relating to companies for the time being in force in any foreign country, and

(b) having its principal place of business in India;

(v) a company incorporated by an Indian law relating to a particular company;

(vi) a co-operative society;

(vii) a society registered under the Societies Registration Act, 1860, (Central Act XVI of 1860) or under any law corresponding to that Act for the time being in force in any part of India; and

(viii) a corporation created by or under any law for the time being in force in any part in India not being a corporation owned or controlled by the State;"

(6) after clause (ee), the following clause shall be inserted, namely:-

"(eee) the expression 'prescribed' means prescribed by the rules made under this Act;"

(7) for clause (f), the following clause shall be substituted namely :-

"(f) the expression 'public purpose' includes,-

(i) the provision of village sites;

(ii) the provision of land for planned development from public funds and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iii) the provision of land for town or rural planning under any law relating to such planning;

(iv) the provision of land,-

(a) for carrying out any housing scheme or health scheme sponsored by the Central Government or any State Government or a local authority; or

(b) for cleaning slum areas; or

(c) for relieving congestion; or

(d) for housing poor, landless or displaced persons or persons residing in areas affected by floods;

(v) the provision of,-

(a) residence for any person holding an office of profit under the Central Government or a state Government or accredited as a diplomatic consular or trade representative of a foreign Government;

(b) building for locating a public office;

(vi) the provision of land for corporations owned or controlled by the State, or other nationalised industries or concerns;

(vii) the provision of land for any local authority and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development;

(viii) the provision of land for a company,-

(a) where the land is needed for the construction of some work and such work is likely to prove substantially useful to the public, or

(b) where the land is needed by a building co-operative society or corporation for the construction of houses;

(ix) the provision of land for any charitable trust.

Explanation.- "Charitable trust" includes a trust established or to be established for the relief of the poor, education, medical relief, or advancement of any other object of general public utility;"

(8) in proviso (iii) to clause (g), for the words, figures and brackets "Chapter XXVI of the Code of Civil Procedure (14 of 1882)" the words, figures and brackets "Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (Act 5 of 1980)" shall be substituted.

(9) after clause (g), the following shall be inserted, namely :-

"(h) the expression "local authority" includes a town planning authority and a city improvement trust board."

7. Amendment of section 4 of the Central Act I of 1894.- In the section 4 of the principal Act,-

(1) in sub-section (1),-

(a) after the words "the appropriate Government" the words "or the Deputy Commissioner" shall be inserted;

(b) for the words "notification to that effect", the words "notification stating the purpose for which the land is needed, or likely to be needed, and describing the land by its survey number, if any, and also by its boundaries and its approximate area" shall be substituted;

(c) after the words "the said locality", the following sentence and explanation shall be added, namely :-

"The Deputy Commissioner may also cause a copy of such notification to be served on the owner, or where the owner is not the occupier, on the occupier of the land.

Explanation.- The expression 'convenient places' includes, in the case of land situated in a village, the office of the panchayat within whose jurisdiction the land lies."

(2) After sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) The notification under sub-section (1) shall also specify the date, (such date not being less than thirty days from the date of publication of the notification) on or before which, and the manner in which, objections to the proposed acquisition may be made, under section 5A."

(3) In sub-section (2),-

(a) for the word "Thereupon " the words "On the publication of such notification" shall be substituted;

(b) for the words "such Government", the words "such Government or by the Deputy Commissioner" shall be substituted;

(c) in the first clause occurring after the words "servants and workmen", for the words "any land in such locality", the words "the land" shall be substituted;

(4) After sub-section (2), the following sub-sections shall be inserted, namely:-

"(3) Where the acquisition is for a company, an officer of such company may be authorised by the appropriate Government or the Deputy Commissioner to exercise the powers conferred by sub-section (2).

(4) The Officer authorised under sub-section (2) or sub-section (3) shall complete his investigation and submit his report to the Deputy Commissioner within a period of three months (or within such longer period not exceeding six months in all as the Deputy Commissioner may allow), from the date of the publication of the notification under sub-

section (1), and the Deputy Commissioner shall forward the report with his remarks to the appropriate Government along with his report under sub-section (2) of section 5A."

8. Amendment of section 5 of Central Act I of 1894.- In section 5 of the principal Act, for the words "so authorised" the words, brackets and figures "authorised under sub-section (2) or sub-section (3) of section 4" shall be substituted.

9. Amendment of section 5A of Central Act I of 1894.- In section 5A of the principal Act,-

(1) in sub-section (1), for the words " within thirty days after the issue of the notification", the words, brackets and figures "on or before the date specified in the notification under sub-section (1) of section 4 in this behalf" shall be substituted.

(2) in sub-section (2),-

(a) after the words "in writing", the words "setting out the grounds thereof" shall be inserted;

(b) after the words " the appropriate Government" occurring in the first sentence, the words, brackets and figures "before the expiry of six weeks from the last date for filing objections or before the expiry of two weeks from the date on which he receives the report under sub-section (4) of section 4 whichever is later," shall be inserted;

(c) for the words "and a report containing his recommendations on the objections" the words "and a report containing his recommendations on the objections, and the fact having submitted the report shall be communicated to the objectors: provided that the appropriate Government may, if it is satisfied that there was sufficient cause for the delay, condone any delay in the submission of the report by a period not exceeding one year" shall be substituted.

***10.Amendment of section 6 of Central Act I of 1894.-** In section 6 of the principal Act,-

* Further amended by Acts 10 of 1968 and 33 of 1991.

(1) in sub-section (1), for the portion commencing with the words "a declaration shall be made to that effect" and ending with the words "some fund controlled or managed by a local authority", the words, brackets, figure and letter "such Government shall direct the Deputy Commissioner to proceed under sub section (1A)" shall be substituted.

(2) After sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) The Deputy Commissioner shall, thereupon, within two months from the date on which he receives such direction,-

(a) cause the land (unless it has been already marked out under section 4) to be marked out;

(b) also cause it to be measured, and, if no plan has been made therefor, a plan to be made of the same; and

(c) report to the appropriate Government the result of his operations under this sub-section.

The appropriate Government shall then make a declaration that the land is needed for a public purposes or for a company."

(3) In sub-section (2),-

(a) after the words " the purpose for which it is needed" the words "the precise boundaries and survey number, if any, of the land and" shall be inserted; and

(b) for the words "where a plan shall have been made of the land and the place where such plan may be inspected" the words "the place where a plan of the land may be inspected" shall be substituted.

11. Omission of section 8 of Central Act I of 1894.- Section 8 of the principal Act shall be omitted.

12. Amendment of section 9 of Central Act I of 1894.- In section 9 of the principal Act,-

(1) In sub-section (2),-

(a) for the words, brackets and figure "and the amount and particulars of their claims to compensation for such interest, and their objections (if any) to the measurements made under section 8", the words "the amount and particulars of their claims to compensation for such interests, the basis on which the compensation so claimed is computed, their objections, if any, to the area as specified in the declaration, and such other matters as may be prescribed" shall be substituted;

(b) for the words "The Collector may, in any case, require such statement to be made in writing and", the words "such statement shall be made in writing in the prescribed form and shall be" shall be substituted.

(2) In sub-section (3) after the words "the land is situate", the following sentence shall be added, namely:-

"Such notice shall be served at least fifteen days before the date on which the persons concerned have to appear and state their respective interests before the Deputy Commissioner."

(3) In sub-section (4) for the words "by post" the words "by registered post" shall be substituted, and the words, figures and brackets "and registered under Part III of the Indian Post Office Act, 1886 (XIV of 1886)" shall be omitted.

13. Amendment of section 10 of Central Act I of 1894.- In sub-section (1) of section 10 of the principal Act, for the words "may also require" the words "may also by notice require" shall be substituted.

14. Amendment of section 11 of the Central Act I of 1894.- To section 11 of the principal Act, the following proviso shall be added, namely-

"Provided that no such award shall be made by the Deputy Commissioner, without the previous approval of the State Government or such officer as the State Government may appoint in this behalf who in the case of an award made by an officer below the rank of the Deputy Commissioner of a district, may be the Deputy Commissioner of the district."

15. Amendment of section 12 of Central Act I of 1894.- In the section 12 of the principal Act,-

(1) in sub-section (1), after the words "and shall" the words, figures and letter "subject to the provisions of section 15A and" shall be inserted;

(2) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) The Deputy Commissioner shall give immediate notice of the award, or the amendment thereof made under section 12A, to the persons interested."

16. Insertion of new section 12A in Central Act I of 1894.- (1) After section 12 of the principal Act, the following section shall be inserted, namely:-

"12A. Amendment of award.- (1) Any clerical or arithmetical mistake in an award or errors arising therein from accidental slips or omission may, at any time not later than six months from the date of the award, be corrected by the Deputy Commissioner, either on his own motion or on the application of a person interested and the award so corrected shall be deemed to have been amended accordingly.

(2) If the award so amended disclosed any over payment, the Deputy Commissioner shall, either immediately after the amendment of the award or after the expiry of the time allowed to make a reference to the court from the amendment of the award, issue a notice to a person to whom over payment was made that if the amount overpaid is not paid back to the State Government within one month after receipt of the notice, the amount overpaid shall be recovered as an arrear of land revenue and after the expiry of the time stated in the notice, the amount shall be so recoverable."

17. Insertion of new section 15A in Central Act I of 1894.- After section 15 of the principal Act, the following section shall be inserted, namely:-

"15A. Power of the State Government to call for proceedings and pass orders thereon.- The State Government may, at any time before an award is made by the Deputy Commissioner under section 11, call for and examine the record of any order passed by the Deputy Commissioner or of any inquiry or proceedings of the Deputy Commissioner for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings. If, in any case, it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order thereon as it deems fit."

18. Amendment of section 16 of Central Act I of 1894.- Section 16 of the principal Act shall be re-numbered as sub-section (1) of that section, and after the sub-section as so re-numbered, the following sub-section shall be added, namely:-

"(2) The fact of such taking possession may be notified by the Deputy Commissioner in the Official Gazette, and such notification shall be evidence of such fact."

19. Amendment of section 17 of Central Act I of 1894.- In section 17 of the principal Act,-

(1) the following explanation shall be added to sub-section (1), namely:-

"Explanation.- This sub-section shall apply to any waste or arable land, notwithstanding the existence thereon of scattered trees or temporary structures, such as huts, pandals or sheds;"

(2) in the first paragraph of sub-section (2) after the portion beginning with the word "whenever" and ending with the words "access to any such station" the following words shall be added, namely:-

"or whenever owing to a like emergency or owing to breaches or other unforeseen events causing damage to roads, rivers, channels or tanks, it becomes necessary for the State Government to acquire the immediate possession of any land for the purposes of maintaining road communication or irrigation or water supply service, as the case may be;"

20. Amendment of section 18 of Central Act I of 1894.- In section 18 of the principal Act,-

(1) after the word "award", where it occurs for the first time the words "or amendment thereof" shall be inserted; and after the said word, wherever it occurs thereafter the words "or the amendment" shall be inserted.

(2) In sub-section (2), for the proviso the following proviso shall be substituted, namely:-

"Provided that every such application shall be made within ninety days from the date of service of the notice from the Deputy Commissioner under sub-section (2) of section 12".

(3) After sub-section (2) the following sub-section shall be added, namely:-

"(3) (a) The Deputy Commissioner shall within ninety days from the date of receipt of an application under sub-section (1) make a reference to the Court.

(b) If the Deputy Commissioner does not make a reference to the Court within a period of ninety days from the date of receipt of the application, the applicant may apply to the Court to direct the Deputy Commissioner to make the reference, and the Court may direct the Deputy Commissioner to make the reference within such time as the Court may fix."

21. Amendment of section 19 of Central Act I of 1894.- In sub-section (2) of section 19 of the principal Act, after the words "parties interested respectively" the words "and any other information available with the Deputy Commissioner relating to the matters referred to the Court" shall be added.

22. Amendment of section 20 of Central Act I of 1894.- In section 20 of the principal Act,-

(1) for the words "determine the objection", the words "determine the reference" shall be substituted;

(2) For clauses (a), (b) and (c) the following clauses shall be substituted, namely:-

"(a) the Deputy Commissioner'

(b) all persons interested in the reference; and

(c) if the acquisition is not made for Government, the person or authority for whom it is made."

23. Amendment of section 24 of Central Act I of 1894.- In section 24 of the principal Act,-

(1) In clause *seventhly* for the words, figures and brackets "publication of the notification under section 4, sub-section (1)", the words, figures and brackets "publication of the notification under sub-section (1) of section 4, unless in the case of improvement, such improvements were necessary for the maintenance of any building in a proper state of repair; or" shall be substituted; and

(2) After clause *seventhly*, the following clause shall be inserted, namely:-

"*eighthly*, where the market value of the land acquired is increased by reason of the use thereof in a manner which may be restrained by any Court or is contrary to law or is detrimental to the health of the inmates of the premises, or public health, the amount of that increase."

24. Amendment of section 25 of Central Act I of 1894.- In section 25 of the principal Act, for the words "the applicant" wherever they occur, the words "a person interested" shall be substituted.

25. Amendment of section 26 of Central Act I of 1894.- In sub-section (2) of section 26 of the principal Act, after the words, figures and brackets "the Code of Civil Procedure. 1908 (V of 1908)" the words " and the provision of the said Code relating to execution shall, so far as may be apply to the execution of such award : Provided that execution shall not be issued on any such award against the Government or any officer thereof unless it remains unsatisfied for a period of ninety days from the date of such award", shall be inserted.

26. Amendment of section 27 of Central Act I of 1894.- In sub-section (2) of section 27 of the principal Act after the words "award of the Collector" the words "or the amendment thereof" shall be inserted; and for the word "applicant" the word "party" shall be substituted.

27. Amendment of section 28 of the Central Act I of 1894.- In section 28 of the Principal Act, for the words "six per centum", the word "five per centum" shall be substituted.

28. Insertion of new section 30A in Central Act I of 1894.- In Chapter IV of the principal Act, after section 30, the following section shall be inserted, namely:-

"30A. Apportionment of compensation.- (1) Where there are several persons interested in the amount of compensation, the Court shall apportion the amount according to the interest of each such person, and shall specify in the award the amount due to each person.

(2) Each such person shall be entitled to obtain execution of the award to the extent of the amount due to him without the consent or concurrence of the other persons."

29. Amendment of section 34 of Central Act I of 1894.- In section 34 of the principal Act, for the words "six per centum", the words "five per centum" shall be substituted.

30. Amendment of section 35 of the Central Act I of 1894.- In section 35 of the principal Act,-

(1) after sub-section (1), the following sub-sections shall be inserted, namely:-

"(1A) Before issuing a direction under sub-section (1), the State Government may require the Deputy Commissioner to submit,-

(a) a plan of the land which is needed for occupation and use; and

(b) an estimate of the compensation that would be payable under sub-section (2),

and upon the issue of such a requisition, the Deputy Commissioner shall cause public notice of the substance of the requisition to be given at convenient places in the locality in which the land is situate.

(1B) After the issue of such notice, it shall be lawful for any officer either generally or specially authorised by the Deputy Commissioner in this behalf, for his servants and workmen to exercise the powers conferred by sub-section (2) of section 4.

(1C) The officer authorised under sub-section (1B) shall at the time of his entry pay or tender payment for all necessary damage to be done as aforesaid and in the case

of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Deputy Commissioner and such decision shall be final."

(2) In sub-section (2) for the words "The Collector shall thereupon" the words "Upon the issue of a direction under sub-section (1) the Deputy Commissioner shall" shall be substituted.

31. Insertion of new section 37A in Central Act I of 1894.- After section 37 of the principal Act, the following section shall be inserted namely:-

"37A. Temporary occupation in urgent cases.- (1) Notwithstanding anything contained in section 35, whenever it appears to the Deputy Commissioner that the temporary occupation and use of any waste or arable land are needed for the purpose of affording accommodation or other relief to persons displaced owing to damage caused to their dwelling houses or other buildings by fire, flood or other unforeseen events, the Deputy Commissioner may enter upon and take possession of the land and use or permit the use thereof in accordance with such terms as he may specify, for a period not exceeding one year from the commencement of such occupation.

(2) The Deputy Commissioner shall immediately report to the State Government the fact of such taking possession and the reasons therefor and shall give effect to such orders as the State Government may make in the matter.

(3) The Deputy Commissioner shall, as soon as may be, after taking possession of the land, give notice in writing to the persons interested in such land of the fact of taking possession and the period for which the land would be occupied and used, and shall for the occupation and use thereof for such period and for the materials, if any, to be taken therefrom, pay to the persons interested, such compensation, as shall be agreed upon in writing between him and such person, respectively.

(4) In case the Deputy Commissioner and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Deputy Commissioner shall refer such difference to the decision of the Court.

(5) On the expiration of the period fixed under sub-section (1), the Deputy Commissioner shall restore the land to the persons interested therein. The provisions of sub-section (2) of section 36 and section 37 shall apply *mutatis-mutandis* to such restoration."

32. Substitution of new section for section 45 of Central Act I of 1894.- For section 45 of the principal Act, the following section shall be substituted, namely:-

"45. Service of notices.- (1) Subject to the provisions of this section and any rules that may be made under this Act, the mode of service of notices issued under this Act shall be as follows :-

(a) A notice of a general nature or affecting a class of persons shall be published,-

(i) in the Official Gazette or any newspaper published in Kannada or English and in circulation in the District in which the land concerned is situate, and

(ii) by affixing copies of the notice in prominent places on or near the land concerned;

(b) A notice affecting an individual corporation or firm shall be served in the manner provided for the service of summons under rule 2 of Order XXIX or rule 3 of

Order XXX, as the case may be, of the First Schedule to the Code of Civil Procedure, 1908;

(c) A notice affecting an individual person (not being a corporation or firm) shall be served in the manner provided for the service of summons in the Code of Civil Procedure, 1908, or by sending it by registered post under a letter addressed to the person named therein at his last known residence, address or place of business, and the notice shall be deemed to be served on such person on the date on which the notice sent by registered post will, in the usual course of post, be received by the addressee.

(2) Where the ownership of the land is in dispute or where the persons interested in the land are not readily traceable and the notice cannot be served without undue delay, the notice may be served by publishing it in the Official Gazette, where possible, by affixing a copy thereof at any conspicuous part of the land to which it relates."

33. Amendment of section 46 of Central Act 1 of 1894.- In section 46 of the principal Act,-

(a) for the words and figure "or section 8" the words, figures, brackets and letter "sub-section (1-A) of section 6 or section 35" shall be substituted;

(b) for the words and figure "under section 4" the words and figures "under section 4 or section 35" shall be substituted.

34. Amendment of section 50 of Central Act I of 1894.- In section 50 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:-

"(1A) If the charges of and incidental to such acquisition is not defrayed from such funds by a local authority after such time as may be fixed by the State Government, the State Government may by order direct the person in custody of such fund to pay the amount due in priority to any other charge against such fund and such person shall, notwithstanding anything contained in any law, so far as the fund to the credit of the local authority admit, be bound to comply with such order.

(1B) Without prejudice to any other mode of recovery from any company liable to defray the charges of and incidental to such acquisition, the amount payable by the company may notwithstanding anything contained in any law, be recovered from the company as an arrear of land revenue."

35. Substitution of new section for section 54 of Central Act I of 1894.- For section 54 in the principal Act, the following section shall be substituted, namely:-

"54. Appeals in proceedings before Court.- (1) Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, an appeal shall lie from the award, or from any part of the award, of the Court in any proceedings under this Act to the Court authorised to hear appeals from the decision of that Court.

(2) From any decree of a Court, other than the High Court, passed on an appeal under sub-section (1), an appeal shall lie to the High Court, if, but only if, the amount or value of the subject-matter in dispute in appeal exceeds two thousand rupees or the case involves any question of title to land.

(3) From any decree of the High Court passed on an appeal under sub-section (1), an appeal shall lie to the Supreme Court, subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in order XLV of the First Schedule to the said Code."

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1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 01.11.1973.