

A.F.R.



HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

MATTERS UNDER ARTICLE 227 No. - 252 of 2026

Lko. Development Authority Thru. its Secy. Lko.

.....Petitioner(s)

Versus

Prem Chandra

.....Respondent(s)

Counsel for Petitioner(s)	: Bhanu Bajpai,
Counsel for Respondent(s)	: Amit Jaiswal, Ankit Verma, Ashish Kumar Singh

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Mukund Tiwari, Senior Advocate, assisted by Sri Bhanu Bajpai, Advocate, the learned counsel for the petitioner, Sri Amit Jaiswal, Advocate, the learned counsel for the opposite party and perused the records.
2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has challenged the validity of three orders passed by the Land Acquisition and Rehabilitation and Resettlement Authority, Lucknow (hereinafter referred to as “the LARA”) in Execution Case No. 42 of 2024 titled Prem Chandra Vs. State and another namely - (i) an order dated 25.09.2025, whereby the petitioner’s objections against a calculation chart submitted by the opposite party have been rejected, (ii) an order dated 19.12.2025, whereby the petitioner’s application under Section 47 C.P.C. has been rejected and (iii) an order dated 23.12.2025 rejecting the

petitioner's objections against the decree holder's application under Order XXI, Rule 37 CPC.

3. Sri. Amit Jaiswal, the learned counsel for the opposite party has raised a preliminary objection that the petitioner has got the remedy of challenging these orders by filing a revision under Section 115 CPC and, therefore, the petition under Article 227 is not maintainable. In support of this contention he has relied upon a judgment of a Single Judge Bench of the High Court of Kerala at Ernakulam in the cases of **C.G. Thampi v. Jyothis**: 2022 SCC OnLine Ker 704, **Tapan Chandra Deb Barma v. Dulal Chandra Deb Barma**: 1979 SCC OnLine Gau 17, **Sadhana Lodh v. National Insurance Co. Ltd.**: (2003) 3 SCC 524,

4. In **Sadhana Lodh v. National Insurance Co. Ltd.**: (2003) 3 SCC 524, it was held that: -

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision.

8. For the aforesaid reasons, we are of the view that since the insurer has a remedy by filing an appeal before the High Court, the High Court ought not to have entertained the petition under Articles 226/227 of the Constitution and for that reason, the judgment and order under challenge deserves to be set aside. We, accordingly, set aside the judgment and order under appeal. The appeal is allowed. There shall be no order as to costs. However, it would be open to the insurer to file an appeal if it is permissible under the law.”

5. In **C. G. Thampi v. Jyothis**: 2022 SCC OnLine Ker 704, it was held that: -

“...wherever the proceedings are under the Code of Civil Procedure and the forum is the Civil Court, the availability of a remedy under CPC, will deter the High Court, not merely as a measure of self imposed restriction, but as a matter of discipline and prudence, from exercising its power of superintendence under the Constitution. Hence the High Court ought not to have entertained the Revision under Article 227 of the Constitution of India, in a case where a specific remedy of appeal is provided under the code of Civil Procedure. Further the availability of such a remedy under the Code of Civil Procedure to be construed as near to total bar for the remedy under Article 227 of the Constitution of India.”

6. **In Tapan Chandra Deb Barma v. Dulal Chandra Deb Barma:**

1979 SCC OnLine Gau 17 : AIR 1980 Gau 3, it was held that determinations made under Section 47 of the CPC on or after 01.02.1977 are not decrees and therefore not appealable, The Gauhati High Court ordered the appellate Court to return the memorandum of appeals for due presentation before the High Court as revisions.

7. Per contra, Sri. Mukund Tiwari, the learned Senior Counsel appearing for the petitioner, has invited attention of the Court to the provision contained in Section 53 of the Land Acquisition Act, 1894, which is as follows: -

“53. Code of Civil Procedure to apply to proceedings before Court.—*Save in so far as they may be inconsistent with anything contained in this Act, the provision of the Code of Civil Procedure, 1908, shall apply to all proceedings before the Court under this Act.”*

8. The definition of Court given in Section 3(d) of the Land Acquisition Act, 1894 is as follows: -

“(d) the expression “Court” means a principal Civil Court of original jurisdiction, unless the appropriate Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act”

9. The State Government has issued a Notification dated 04.08.2022 authorising the Presiding Officers of the Land Acquisition and Rehabilitation and Resettlement Authority to perform the duties of Courts and that declaring that they shall work as Special Judicial Officers. Thereafter the Government Order dated 21.02.2024 has clarified that the Presiding Officers of the Land Acquisition and Rehabilitation and Resettlement Authority are also authorised to adjudicate upon all the pending matters under the Land Acquisition Act, 1894, including the execution cases.

10. The learned Counsel for the petitioner has submitted that while deciding cases under the Land Acquisition Act, 1894, LARA acts as a Court under the Land Acquisition Act hence the provision of the Code of Civil Procedure, 1908, shall apply to all proceedings before the LARA. However, in the case of **State of A.P. v. V. Sarma Rao**: (2007) 2 SCC 159, the Hon'ble Supreme Court has held that: -

“12. ... Despite applicability of the provisions of the Code of Civil Procedure (CPC) in relation to the proceedings pending before it, its substantive part is not applicable. A right of appeal is provided for under Section 96 of the Civil Procedure Code. Such appeals are to be filed before the forums laid down under the Civil Procedure Code or the courts governed by the statute. However, no appeal from a judgment of the Land Acquisition Judge can be filed before the Principal Court of civil jurisdiction or in other words, the District Judge of the district, as such appeals lie only before the High Court. No appeal ex facie or filed against the order passed by the Reference Court is maintainable before the District Judge.”

11. Sri. Tiwari has submitted that the provision under Section 115 of CPC is also a substantive provision like the substantive provision of appeal under Section 96 CPC. Therefore, in view of the law laid down in **State of A.P. v. V. Sarma Rao** (Supra), revision under Section 115 CPC would not lie against an order passed by LARA.

12. The learned Counsel for the opposite party has submitted that **State of A.P. v. V. Sarma Rao** (Supra) was decided in view of the

peculiar facts of that case and it does not lay down a general principle of universal application that no revision would lie against an order passed by LARA. He has placed reliance on the judgment in the case of **Bhavnagar University v. Palitana Sugar Mill (P) Ltd.:** (2003) 2 SCC 111, wherein the Hon'ble Supreme Court held that a decision is an authority for which it is decided and not what can logically be deduced therefrom.

13. I agree with the submission of the learned Counsel for the opposite party that **State of A.P. v. V. Sarma Rao** (Supra) does not lay down that an order passed by LARA is not amenable to revisional jurisdiction under Section 115 CPC. In **Shiv Shakti Coop. Housing Society v. Swaraj Developers:** (2003) 6 SCC 659, it was held that *"It is fairly a well-settled position in law that the right of appeal is a substantive right. But there is no such substantive right in making an application under Section 115"*. The Hon'ble Supreme Court clarified that *"Section 115 is essentially a source of power for the High Court to supervise the subordinate courts. It does not in any way confer a right on a litigant aggrieved by any order of the subordinate court to approach the High Court for relief. The scope for making a revision under Section 115 is not linked with a substantive right."*

14. The learned counsel for the petitioner has next submitted that although the order rejecting the application under Section 47 CPC may be amenable to the revisional jurisdiction of this court, the other two orders do not fall within the category of "case decided" and, therefore, those are not amenable to the revisional jurisdiction of this court. He has submitted that when three orders passed in the same proceedings between the same set of parties are required to be challenged before this court, challenging one order by filing a revision under Section 115 CPC, whereas filing a petition under Article 227 of the Constitution of India for challenging the validity of the other two orders, will only lead to multiplicity of proceedings. Moreover, the power of superintendence

conferred upon this court under Article 227 of the Constitution of India is not abridge the revisional power of this court under Section 115 CPC.

15. Sri. Mukund Tiwari Senior Advocate has relied upon the judgment in the case of **Shalini Shyam Shetty v. Rajendra Shankar Patil**: (2010) 8 SCC 329, in which the Hon'ble Supreme Court considered various precedents on the point of scope of interference under Article 227 of the Constitution of India and summarised the following principles: -

“48. The jurisdiction under Article 226 normally is exercised where a party is affected but power under Article 227 can be exercised by the High Court suo motu as a custodian of justice. In fact, the power under Article 226 is exercised in favour of persons or citizens for vindication of their fundamental rights or other statutory rights. The jurisdiction under Article 227 is exercised by the High Court for vindication of its position as the highest judicial authority in the State. In certain cases where there is infringement of fundamental right, the relief under Article 226 of the Constitution can be claimed ex debito justitiae or as a matter of right. But in cases where the High Court exercises its jurisdiction under Article 227, such exercise is entirely discretionary and no person can claim it as a matter of right. From an order of a Single Judge passed under Article 226, a letters patent appeal or an intra-court appeal is maintainable. But no such appeal is maintainable from an order passed by a Single Judge of a High Court in exercise of power under Article 227. In almost all the High Courts, rules have been framed for regulating the exercise of jurisdiction under Article 226. No such rule appears to have been framed for exercise of High Court's power under Article 227 possibly to keep such exercise entirely in the domain of the discretion of High Court.

49. On an analysis of the aforesaid decisions of this Court, the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution may be formulated:

(a) A petition under Article 226 of the Constitution is different from a petition under Article 227. The mode of exercise of power by the High Court under these two articles is also different.

(b) In any event, a petition under Article 227 cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of superintendence on the High Courts under Article 227 and have been discussed above.

*(c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. **In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.***

(d) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in Waryam Singh [AIR 1954 SC 215] and the principles in Waryam Singh [AIR 1954 SC 215] have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in Waryam Singh [AIR 1954 SC 215] , followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and courts subordinate to it, “within the bounds of their authority”.

(f) In order to ensure that law is followed by such tribunals and courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

*(g) Apart from the situations pointed in (e) and (f), **High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.***

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

*(i) **The High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in L. Chandra Kumar v. Union of India [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] and therefore abridgment by a constitutional amendment is also very doubtful.***

(j) It may be true that a statutory amendment of a rather cognate provision, like Section 115 of the Civil Procedure Code by the Civil

Procedure Code (Amendment) Act, 1999 does not and cannot cut down the ambit of High Court's power under Article 227. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227.

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.

(l) On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.

(m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

(n) This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas Article 226 is meant for protection of individual grievance. Therefore, the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline pointed out above.

(o) An improper and a frequent exercise of this power will be counterproductive and will divest this extraordinary power of its strength and vitality.”

16. The learned counsel for the opposite party has not placed any judgment in support of his submission that the orders dated 25.09.2025 and 23.12.2025 would fall within the category of “case decided” and would be amenable to the revisional jurisdiction of this court.

17. I find force in the submission of the learned Counsel for the petitioner that although the order rejecting the application under Section 47 CPC may be amenable to the revisional jurisdiction of this court, the other two orders do not fall within the category of “case decided” and,

therefore, those are not amenable to the revisional jurisdiction of this court. When three orders passed in the same proceedings between the same set of parties are required to be challenged before this court, challenging one order by filing a revision under Section 115 CPC, whereas filing a petition under Article 227 of the Constitution of India for challenging the validity of the other two orders, will only lead to multiplicity of proceedings. The power of superintendence conferred upon this court under Article 227 of the Constitution of India is not abridge the revisional power of this court under Section 115 CPC and this power can be exercised where the order under challenge suffers from a patent error of jurisdiction which can be established without any detailed factual inquiry.

18. In view of the foregoing discussion, I turn down the preliminary objection that the petition is not maintainable and I proceed to examine the merits of the case.
19. Grievance of the petitioner is that under provisions of the Land Acquisition Act, interest can be paid since the date of notification under Section 4 and not prior to it. In **Union of India v. Budh Singh**: (1995) 6 SCC 233, the Hon'ble Supreme Court held that the question whether the respondents-owners of the lands are entitled to interest from the date on which possession was initially taken, preceding the date on which the notification under Section 4(1) was published, is a jurisdictional issue and the finding in this behalf touches and trenches into the jurisdictional power of the court, acting under the Act regarding award of interest. This is the precise issue involved in the present case, where the LARA has awarded interest since prior to the notification.
20. The dispute between the parties emanates from an award dated 12.07.2012, passed by the Land Acquisition Officer Nagar Mahapalika-I, Lucknow / Additional District Magistrate, Lucknow. The award states that a notification under Section 4/17 of the Land Acquisition Act was issued on 19.04.2010 and a notification under Section 6/17 of the Land

Acquisition Act was published on 04.01.2011. As against the date of taking possession of the acquired land, the award states that the land is in possession of the petitioner since before. The award directs payment of interest from the date of taking possession of the land.

21. The opposite party had filed a reference no.119 of 2015, which was decided by LARA by means of a judgment and order dated 10.04.2024. The following issues were framed by the authority: -

“1. Whether the compensation declared by the Special Land Acquisition Officer is improper and insufficient, if yes, what was the market value of the property on the date of publication of the notification under Section 4 of the Land Acquisition Act?

2. Other relief which the claimant is entitled to.”

22. Apparently, no issue was framed regarding the date of taking possession of the land. However, while deciding issue no.1, the authority has held that it is clear that possession of the land had been taken in the year 1983-84, but as the date of taking possession has not been ascertained, the authority assumed 30.12.1984 to be the date of taking over possession. LARA held that the claimant is entitled to get compensation at the market value of the land as on the date of issuance of the notification under Section 4 of the Land Acquisition Act, i.e., 19.04.2010, which was Rs.6,771/- per square meter. The opposite party was also held entitled to receive interest at the rate of 12% from the date of notification i.e. 09.04.2010 till the date of the award, i.e., 12.07.2012 and 30% solatium. The opposite party was further held entitled to get interest at the rate of 9% per annum from the date of possession i.e. 30.12.1984, for a period of one year and thereafter interest at the rate of 15%.

23. The aforesaid order dated 10.04.2024, passed in reference has been challenged by filing a belated appeal which is yet to be admitted. The delay has not yet been condoned and the appeal is yet to be admitted.

24. The opposite party filed Execution Case No.42 of 2024 for execution of the award passed in reference. The opposite party – decree holder filed a calculation chart calculating interest from the date of possession and not from the date of the notification under Section 4 of the Land Acquisition Act. The petitioner filed objections against it and filed its own calculation chart calculating interest from the date of notification under Section 4 of the Act. The LARA rejected the petitioner's objection by means of the impugned order dated 25.09.2025 (Annexure No.2 to the petition) by holding that the petitioner had not taken possession of the land after its acquisition and it had been taken earlier. The award states that the interest will be payable from the date of taking over possession of the land. Therefore, the objections of the petitioner against the calculation chart calculating interest from the date of possession i.e. 31.12.1984 were rejected and the calculation chart of the petitioner calculating interest from the date of notification under Section 4 of the Act was also rejected. The authority accepted the calculation chart of the opposite party-decree holder for calculating interest from the date of possession.
25. Thereafter the petitioner filed an application under Section 47 CPC, stating that interest can only be awarded from the date of notification under Section 4 and not from any date prior to initiation of proceedings under the Land Acquisition Act. The award of interest from the date of taking possession on 30.12.1984 is without jurisdiction and, therefore, the award cannot be executed to the extent it awards interest for the period prior to the notification under Section 4 of the Land Acquisition Act. In support of this contention the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of **R.L. Jain (D) by LR. Vs. DDA and others**: (2004) 4 SCC 79.
26. From the record it appears that the opposite party did not file any objection against the petitioner's application under Section 47 C.P.C.

27. The application has been rejected by means of the impugned order dated 19.12.2025, wherein the objection raised in the application under Section 47 C.P.C. is mentioned and it is mentioned that counsel for the opposite party-decree holder opposed the application under Section 47 C.P.C. stating that the petitioner is merely causing delay in execution proceedings. The authority has held in the impugned order that a sum of Rs.15,33,11,140/- has already been attached as per the report (C-17) submitted by the accounts officer and the judgment debtor has made an endorsement “no objection”. The grounds raised in the application under Section 47 CPC amounts to questioning the validity of the award. The award has been challenged in First Appeal No.84 of 2024, wherein no interim order has been passed. The authority held that the application had been filed merely to cause delay in execution proceedings and accordingly rejected the application.

28. A bare perusal of the order dated 19.12.2025 indicates that it nowhere assigns any reason for rejecting the objection of the petitioner that the Land Acquisition Act does not stipulate payment of interest from a date prior to issuance of notification under Section 4 of the Act which was the sole ground raised in the application under Section 47 C.P.C. The submissions of the learned counsel for the opposite party-decree holder recorded in the impugned order also do not contain any reply to the solitary ground raised in the application under Section 47 C.P.C. and the only objection is application under Section 47 C.P.C. advanced during pressing submissions was that the application had been filed with an intention to cause delay in execution proceedings.

29. Section 34 of the Land Acquisition Act contains provision for payment of interest and it provides as follows: -

*“34. **Payment of interest.** -When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited:*

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.”

30. The other provision relevant for payment of interest is Section 28, which provides as follows: -

“28. Collector may be directed to pay interest on excess compensation. - *If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of 53[nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court.*

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum, shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.”

31. In **Union of India v. Budh Singh**: (1995) 6 SCC 233, the Hon’ble Supreme Court held that: -

“5. ... the statute covers the entire field of operation of the liability of the State to make payment of interest and entitlement thereof by the owner when land has been taken over and possession in consequence thereof, the land owner was deprived of the enjoyment thereof. Thus, it could be seen that the court has no power to impose any condition to pay interest in excess of the rate and manner prescribed by the statute as well as for a period anterior to the publication of Section 4(1) notification under the Act. The parameter for initiation of the proceedings is the publication of the notification under Section 4(1) of the Act in the State Gazette or in an appropriate case in District Gazette as per the local amendments. But the condition precedent is publication of the notification under Section 4(1) in the appropriate gazette. That would give legitimacy to the State to take possession of the land in accordance with the provisions of the Act. Any possession otherwise

would not be considered to be possession taken under the Act. In fact, a situation has been envisaged under Section 48(2) of the Act, namely, that when proceedings under the Act were initiated and in the midstream the proceedings were dropped, the owner who has been deprived of the enjoyment of the property, the statute prescribes the remedy of determination of the amount of compensation due to the owner for the damages suffered by the owner in consequence of the notice of the proceedings under the Act. The statute also imposes liability on the State to reimburse the costs incurred by the owner to defend the proceedings under the Act. The Act is a self-contained code and common law principles of justice, equity and good conscience cannot be extended in awarding interest, contrary to the provisions of the statute.”

32. In **R.L. Jain v. DDA**: (2004) 4 SCC 79, the Hon’ble Supreme Court discussed numerous precedents, including the case of **Budh Singh** (Supra) and concluded that: -

“17.1. The normal rule, therefore, is that if on account of acquisition of land a person is deprived of possession of his property he should be paid compensation immediately and if the same is not paid to him forthwith he would be entitled to interest thereon from the date of dispossession till the date of payment thereof. But here the land has been acquired only after the preliminary notification was issued on 9-9-1992 as earlier acquisition proceedings were declared to be null and void in the suit instituted by the landowner himself and consequently, he was not entitled to compensation or interest thereon for the anterior period.

18. In a case where the landowner is dispossessed prior to the issuance of preliminary notification under Section 4(1) of the Act the Government merely takes possession of the land but the title thereof continues to vest with the landowner. It is fully open for the landowner to recover the possession of his land by taking appropriate legal proceedings. He is therefore only entitled to get rent or damages for use and occupation for the period the Government retains possession of the property. Where possession is taken prior to the issuance of the preliminary notification, in our opinion, it will be just and equitable that the Collector may also determine the rent or damages for use of the property to which the landowner is entitled while determining the compensation amount payable to the landowner for the acquisition of the property. The provisions of Section 48 of the Act lend support to such a course of

action. For delayed payment of such amount appropriate interest at prevailing bank rate may be awarded.

19. The case may be examined from the equitable consideration as well. In the earlier acquisition proceedings the notification under Section 4(1) had been published on 13-11-1959 and the Collector had made an award for Rs. 6301 for the plot in dispute on 30-12-1961. The award was made within 1½ months of dispossession which allegedly took place on 10-11-1961. This amount was paid to R.L. Jain and was retained by him. Learned counsel for the respondent has placed before the Court a copy of the sale certificate issued in favour of R.L. Jain on 31-8-1961 which shows that the plot was purchased by him for Rs. 3200 only and thus he had received almost double amount of compensation. Therefore, even on equitable ground he is not entitled to any amount from the date of dispossession till the date of second notification under Section 4(1) of the Act which was issued in 1992.”

33. The learned Counsel for the opposite party has submitted that in **R.L. Jain v. DDA** (supra), the Hon’ble Supreme Court held that if on account of acquisition of land a person is deprived of possession of his property he should be paid compensation immediately and if the same is not paid to him forthwith he would be entitled to interest thereon from the date of dispossession till the date of payment thereof.

34. Sri. Jaiswal has also relied upon the following observation made in **Madishetti Bala Ramul v. Land Acquisition Officer**: (2007) 9 SCC 650: -

“20. In the peculiar facts and circumstances of the case, although the proper course for us would have to remand the matter back to the Collector to determine the amount of compensation to which the appellants would be entitled for being remained out of possession since 1979, we are of the opinion that the interest of justice would be met if this appeal is disposed of with a direction that additional interest @ 15% per annum on the amount awarded in terms of award dated 2-1-1999 for the period 16-3-1979 till 22-12-1991, should be granted, which, in our opinion, would meet the ends of justice.”

35. The learned Counsel for the opposite party as also relied upon the judgment in the case of **Tahera Khatoon v. Land Acquisition Officer**:

(2014) 13 SCC 613, wherein the Hon'ble Supreme Court referred to the decisions in the cases of **R.L. Jain v. DDA** (supra) and **Madishetti Bala Ramul** (supra) and held that: -

“13. Keeping in view the peculiar facts and circumstances of the case, we are of the opinion that the exercise that has been done by this Court in Madishetti Bala Ramul requires to be adopted.

14. In the instant case, it is not in dispute nor can it be disputed by either side that the property in dispute was in possession of the Warangal Municipal Committee. In fact the said Municipal Committee had developed the aforesaid land into a park. Since there was a dispute among the owners of the land with the Municipal Committee, the Municipal Committee had sought the assistance of the State Government to acquire the property and to hand over the same to the Municipal Committee for its use and development.

15. It is also not in dispute that the Municipal Committee was in possession of the aforesaid property right from 1-1-1938 till the Notification was issued by the State Government on 10-1-1996. Keeping in view the observations made by this Court in Madishetti Bala Ramul, we direct the State Government to pay rents/damages at the rate of 15% on the compensation awarded from the date the landowners were dispossessed, namely, from 1-1-1938 till the date of issuance of the preliminary Notification i.e. 10-1-1996. The calculations shall be made by the State Government as expeditiously as possible and disburse the aforesaid amount to the appellants as early as possible, at any rate, within three months from the date of receipt of copy of this order.”

36. The learned Counsel for the opposite party has submitted that the award in question awards interest since the date of taking over possession to compensate the undue loss suffered by the opposite party by illegally being deprived of the possession of his property without its acquisition.

37. In the present case, the land has been acquired only after a notification under Section 4 of the Act was issued on 09.09.1992, as the earlier acquisition proceedings were declared to be null and void in the suit instituted by the opposite party himself. Neither the opposite party

had claimed the relief for payment of compensation for having been deprived of possession of the land, nor was the said relief granted to him.

38. As has already been discussed above, the Land Acquisition Act, 1894 does not contain any provision for payment of interest for a period anterior to issuance of the notification under Section 4 of the Act. The Act contains a provision for payment of additional compensation in Section 23 (1-A), which is as follows: -

“(1A) In addition to the market value of the land above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market-value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.-In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.”

39. Section 23 (1-A) of the Act also provides for payment of additional amount calculated at the rate of twelve per cent per annum on the market value of the land for the period commencing on and from the date of the notification under section 4 (1) to the date of the award or the date of taking possession of the land, whichever is earlier. This provision also stipulates payment of additional amount only after the date of issuance of notification under Section 4 (1) but the amount will be calculated till the date of the award or the date of taking possession, whichever is earlier. It does not stipulate payment of any additional amount for any period prior to issuance of a notification under Section 4 of the Act.

40. Payment of interest for a period prior to issuance of the notification under Section 4 of the Land Acquisition Act is based on equitable considerations because a person who has been deprived of the

use and enjoyment of his land, should be provided compensation in respect of the same. However, the Land Acquisition Act provides that the amount of compensation shall be determined considering the value of the land as on the date of notification under Section 4 of Land Acquisition Act and interest will also be payable from the same date. Equity demands that the land owner should be granted compensatory benefits from the date he is deprived of the enjoyment of the possession of his land. In case we reconcile the statutory provisions with equitable considerations, the opposite party has the statutory right to receive compensation at the rates prevalent on the date of notification under Section 4(1) of the Act, i.e., from 19.04.2010 and he is entitled to receive interest on this amount from 19.04.2010. On equitable considerations, the opposite party was entitled to receive compensation on the date of being deprived of the possession and enjoyment of his land, i.e. 31.12.1984 and in that case, the compensation will be payable at the rates prevalent on 31.12.1984 and he would get interest on this amount since 31.12.1984.

41. However, in the present case, although the opposite party is said to have been deprived of the possession of his land in the year 1984, the rate of compensation has been assessed on the value of the land prevailing on the date of notification under Section 4 i.e. the 19.04.2010, which obviously is many times higher than the rates prevalent on 31.12.1984. What the opposite party is claiming is that although he was deprived of the possession of the land in the year 1984, he should be paid compensation at the rates prevalent on 19.04.2010, i.e., 26 years later, and he should be given interest on the amount of compensation calculated at the rates prevalent on 19.04.2010, since 31.12.1984. This claim is not equitable.

42. Had the opposite party claimed and was paid land acquisition compensation on equitable considerations promptly after taking over possession of the land in the year 1984, he would have got the same at the rates prevalent in the year 1984 and in that case, he would be entitled

to receive interest on the amount payable in the year 1984 from the date of taking possession till the date of making payment. However, neither the opposite party claimed compensation immediately after taking over possession of the land, nor was the same paid to him. The amount of compensation has now been assessed as on the date of notification under Section 4(1) of the Act, i.e. 19.04.2010, which was Rs.6,771/- per square meter and he has been awarded interest at the rate of 12% from the date of notification i.e. 09.04.2010 till the date of the award, i.e., 12.07.2012 and 30% solatium. The opposite party was further held entitled to get interest at the rate of 9% per annum from the date of possession i.e. 30.12.1984, for a period of one year and thereafter interest at the rate of 15%. The delay of 26 years between taking over possession of the land and issuance of the notification under Section 4 has resulted in the compensation being assessed at the rates prevalent 26 years after the date of taking over possession, which in any case, is much higher than the amount that would be payable had the compensation been determined in the year 1984, when the possession was taken and interest would be added on it. Therefore, the opposite party stands adequately compensated even on equitable considerations by assessment of compensation at the rates prevalent 26 years after the date of taking possession of the land.

43. The learned counsel for the opposite party has submitted that the intent of the State for acquisition of the land was expressed on the date of publication of notification under Section 4 i.e. 19.04.2010 and therefore the compensation is to be assessed as on 14.04.2010. If this submission is accepted interest will also be payable since 19.04.2010 since no intent for acquisition had been expressed prior to that.

44. In view of the foregoing discussions, I am of the view that the LARA had no jurisdiction to award interest for any period prior to 19.04.2010 – the date of issuance of the notification under Section 4(1) of the Land Acquisition Act. It is settled law that the plea of lack of jurisdiction can be raised at any stage, even during execution

proceedings by filing an application under Section 47 CPC. LARA has passed the impugned orders dated 25.09.2025 and 19.12.2025, without dealing with the plea of lack of jurisdiction raised by the petitioner which makes the orders unsustainable in law.

45. Accordingly, the impugned orders dated 25.09.2025 and 19.12.2025 are set aside. It is held that the opposite party is entitled to receive interest on the amount of compensation from the date of notification under Section 4 i.e. 19.04.2010.

46. Now, I proceed to deal with the legality of the order dated 23.12.2025 rejecting the petitioner's objection that any officer of the petitioner cannot be arrested in execution proceedings for execution of the award passed against the petitioner. The learned Counsel for the petitioner has placed reliance on a judgment in the case of **Dhanush Vir Singh v. Ila Sharma**: 2024 SCC OnLine All 3693, wherein the moot question for consideration was whether the Directors/Authorized representatives of a Limited Company can be arrested and detained in civil prison for execution of a money decree against the company or so to say whether the directors/authorized representatives of the company are bound in a representative capacity for the judgment debtor company for the execution of the said decree. A coordinate Bench of this Court has held that there is no provision in the CPC which provides for execution of a money decree against the judgment debtor company by effecting arrest and detention of its employee, director or General Manager. The learned Counsel for the petitioner has submitted that the petitioner Lucknow Development Authority is a body corporate and its officers cannot be arrested for effecting execution of an award or a decree issued against the Authority.

47. Opposing this submission of the learned counsel for the petitioner, the learned counsel for the opposite party has submitted that the petitioner Lucknow Development Authority is a juristic person and it acts through the natural persons who are in-charge of its affairs.

Therefore, for any default committed by the petitioner Lucknow Development Authority as a judgment debtor, where the statute permits incarceration of the judgment debtor, the judgment debtor being a juristic person, the natural persons who are in charge and responsible for the affairs of the petitioner will have to undergo incarceration. However, the learned counsel for the opposite party has not submitted any case law in support of this submission.

48. Keeping in view the law laid down in **Dhanush Vir Singh v. Ila Sharma** (supra), I am of the view that the executing court has no authority to order arrest and detention of the officers and officials of the petitioner – judgment debtor for execution of the order passed against the petitioner – judgment debtor. Therefore, the impugned order dated 23.12.2025 is also unsustainable in law and the same is also set aside.
49. It will be open for LARA to proceed with the execution of the award in question in accordance with the provisions provided in the CPC by taking appropriate steps against the Lucknow Development Authority itself and not taking any coercive measure against the persons who are holding any post or office in Lucknow Development Authority.
50. The petition stands allowed in the aforesaid terms.

(Subhash Vidyarthi, J.)

February 19, 2026
Ram.