SCA NOS. 14030/2025, 14032/2025, 14437/2025, 14550/2025, 14560/2025 & 14570/2025 Reserved On : 16/04/2026

SCA NOS. 8340/2026, 8361/2026 & 8367/2025
Reserved On : 23/06/2026

SCA NO. 8807 / 2026 Reserved On : 03/07/2026

SCA NO. 8892 / 2026 Reserved On : 06/07/2026

SCA NO. 8697 / 2026 Reserved On : 07/07/2026
Pronounced On : 16/07/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14030 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 14032 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 14437 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 14550 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 14560 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 14570 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 8340 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 8361 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 8367 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 8697 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 8807 of 2026
With
R/SPECIAL CIVIL APPLICATION NO. 8892 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and
HONOURABLE MR.JUSTICE D.N.RAY

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Approved for Reporting	Yes	No
	✔	

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CHAUHAN NARESHKUMAR NARPATSINGH
Versus
PRANT OFFICER, DABHOI & ORS.
===

Appearance in SCA NOS. 14030/2025, 14032/2025, 14437/2025, 14550/2025, 14560/2025 & 14570/2025:
MR.MAULIK G. NANAVATI WITH MS.MANVI DAMLE FOR NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MR.SANJAY UDHWANI, ASST.GOVERNMENT PLEADER for the Respondent(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 2,3

Appearance in SCA NOS. 8340/2026, 8361/2026 & 8367/2026:
MR.MAULIK G. NANAVATI WITH MS.MANVI DAMLE FOR NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MS.MAITHILI MEHTA, ASST.GOVERNMENT PLEADER for the Respondent(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 3

Appearance in SCA NO. 8807/2026:
MR.MAULIK G. NANAVATI WITH MS.MANVI DAMLE FOR NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 2,3

Appearance in SCA NO. 8892/2026:
MR.MAULIK G. NANAVATI WITH MS.MANVI DAMLE FOR NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 3

Appearance in SCA NO. 8697/2026:
MR.MAULIK G. NANAVATI WITH MS.MANVI DAMLE FOR NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 3
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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL**
and
HONOURABLE MR.JUSTICE D.N.RAY

CAV JUDGMENT
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. In this group of writ petitions heard on different dates, the common legal questions arisen for our consideration are :-

i. Whether the petitioners are entitled to a sum of 60% on the market value determined by the competent authority as per Section 20-F(9) of the Railways Act, 1989, in addition to the statutory benefits already awarded as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short as the "Act' 2013"), considering the compulsory nature of the acquisition for a 'Special railway project'?

ii. Whether the petitioners are entitled for the benefits of the National Rehabilitation and Resettlement Policy, 2007 for Project Affected Families, notified by the Government of India, Ministry of Rural Development vide Notification dated 31st October, 2007, incorporated in the provisions of Section 20-O of the Railways Act, 1989, or have to be held entitled to the rehabilitation and resettlement benefits specified in the Second and Third Schedule of the Act, 2013, for the Railways Act, 1989 being one of the enactments specified in the Fourth Schedule of the 2013 Act, in view of the notification dated 28.08.2015 of the Central Government for application of the provisions of the First, Second and Third Schedules to the acquisitions made under the enactments enlisted in the Fourth Schedule of the Act’ 2013?

iii. Whether the writ petitioners are entitled for the award of an additional amount of 12% payable under Section 30(3) of the Act, 2013, on the multiplication factor 2 determined as per Section 26(2) of the Act, 2013 under the land Acquisition Award?

2. At the outset, with regard to the prayers made in this set of writ petitions for award of an additional amount of 12% payable under Section 30(3) of the Act, 2013, on the multiplication Factor 2 determined as per Section 26(2) of the Act, 2013, we may note that in the writ petitions where judgments have been reserved in the months of June and July’ 2026, it is prayed by the learned counsel for the petitioners that the said relief may be permitted to be withdrawn by the petitioners in view of the pendency of the issue for adjudication before the Apex Court with the liberty to the petitioners to file fresh petitions agitating its grievances after the decision of the Apex Court.

3. The prayer of the learned counsel for the petitioners therein, for withdrawal of the reliefs prayed in all the said writ petitions for the benefits of Section 30(3) of the Act’ 2013 on multiplication Factor 2 as per Section 26(2) of the Act, 2013 is hereby granted with the liberty as prayed for.

4. With regard to the same relief in the set of writ petitions heard in the month of April’ 2026, where judgment was

reserved on 16.04.2026, we may deal with the said prayer while dealing with the third issue in the later part of this judgment.

5. On the remaining two issues, Mr. Maulik G. Nanavati, learned Counsel for the petitioners would submit that the lands in question were acquired under the provisions of the Railways Act, 1989 for a ‘Special railway project’, declared as such under Section 2(37-A) of the Railways Act, 1989, which provides that 'Special railway project' be notified by the Central Government for providing national infrastructure for a public purpose in a specified time frame covering one or more states or Union Territories.

6. The submission is that the Railways Act, 1989 originally did not provide for any mechanism for acquisition of land for the projects of railway and all such acquisitions were being conducted under the provisions of the Land Acquisition Act, 1894 for a railway project, which has led to considerable delay in completion of the acquisition process. A need was, therefore, felt to provide a special mechanism under the Railways Act, 1989 for speedy acquisition for railway projects. Chapter IV-A was inserted under the Railways Act, 1989 by the Railways (Amendment) Act (Act No. 11 of 2008) with effect from 31.01.2008, providing for a fast track mechanism for acquisition of land for ‘Special railway projects’, by virtue of Section 20-A to Section 20-P incorporated therein. However, still the mechanism for acquisition incorporated in Chapter IV-A of the Railways Act, 1989 is restricted only for ‘Special railway projects’ notified as such by the Central

Government. For other railway projects, the acquisition proceedings earlier continued under the old Land Acquisition Act, 1894 (even after the amendment by Act No.11 of 2008 to the Railways Act, 1989) and after the repeal of the said enactment, under the provisions of the new Act' 2013.

7. The lands in question had been acquired by the notifications published under Section 20-A and Section 20-E of the Railways Act, 1989, and award passed by the competent authority in the year 2025 determined compensation by assessment of the market value in accordance with the provisions of Section 26 of the Act' 2013, wherein all statutory benefits as per the First Schedule of the Act' 2013 have been incorporated.

8. The contention is that besides that certain special benefits available to the landholders as per Section 20-F(9) of the Railways Act, 1989, for a sum of 60% on the market value in consideration of the compulsory nature of acquisition for a 'Special railway project', would have to be incorporated in the award. The competent authority also did not make any reference of the benefits of the National Rehabilitation and Resettlement Policy, 2007 in its award, inspite of the clear mandate of Section 20-O of the Railways Act, 1989 that the said policy shall apply in respect of the acquisition of land by the Central Government under the Railways Act. The submission is that the non-inclusion of the aforesaid statutory benefits of Section 20-F(9) and Section 20-O of the Railways Act, 1989 has led to filing of this set of writ petitions.

9. Before proceeding further on the elaborate submissions of the learned counsel for the petitioners on the abovenoted issues, we may record that in the counter affidavit filed on behalf of the Railways, it is admitted that the acquisition in question has been conducted under the Railways Act, 1989 for a ‘Special railway project’ notified by the Central Government. It is also admitted that the provisions of the Act’ 2013, including the First, Second, and Third Schedules therein are made applicable to the land acquisitions made under the enactment specified in the Fourth Schedule of the 2013 Act with effect from 01.01.2015 and the Railways Act, 1989 being included in the Fourth Schedule, the provisions of the 2013 Act with respect to the determination of compensation have been applied for the acquisition in question.

10. It is also admitted to both the parties that the awards in question (delivered in the year 2025), have been passed in accordance with the provisions of Sections 26 to 30 of the Act’ 2013, and all the benefits of 2013 Act [except additional 12% amount on multiplication Factor 2 as per Section 30(3)], have been included therein.

11. The contention of the learned counsel for the petitioners, however, is that the benefit of an additional amount of 60% on the market value determined under the award as per Section 20-F(9) is payable in addition to the statutory benefits already awarded as per the Act’ 2013.

12. Elaborating the same, the Statement of Objects and Reasons of the Railways (Amendment) Bill, 2008 has been

placed before us to argue that the amendments have been brought in the Railways Act, 1989 noticing that the provisions of the Land Acquisition Act, 1894 were insufficient for completion of railway projects on an expeditious basis, which provide for critical basic infrastructure essential for sustainable economic growth and development of the country. The need was felt to provide land acquisition provisions in the Railways Act, 1989 to empower the Central Government and the Ministry of Railways for land acquisition on a fast track basis for Special railway projects, in the lines of land acquisition provisions available in the National Highways Act, 1956. In order to cut short the time and speed-up the process of acquisition, it was also considered to provide an expeditious mechanism of arbitration process to resolve disputes relating to the amount of compensation.

13. The Railways (Amendment) Bill, 2008 further proposed incorporating Section 20-O to apply the Rehabilitation and Resettlement Policy, 2007 to safeguard the interests of persons affected by land acquisition for 'Special railway projects'. For ready reference, the Statement of Objects and Reasons (in short as, the "SOR") and the financial memorandum of the Railways (Amendment) Bill, 2008 dated 21.02.2008 are being extracted hereinunder:

"STATEMENT OF OBJECTS AND REASONS

> Provision of critical basic infrastructure is essential in order to have sustainable economic growth and development of our country. Important projects relating to basic infrastructure require acquisition of land. The only instrument available for acquisition of land for public purpose is the Land Acquisition

Act, 1894. The existing provisions under the Land Acquisition Act, 1894 are insufficient for completion of such projects on expeditious basis in a time schedule manner due to excessive time taken under the Land Acquisition Act, 1894.

2. There is a need to provide for land acquisition provisions in the Railways Act, 1989 to empower the Central Government in the Ministry of Railways for land acquisition on fast track basis for the special railway projects on the lines of the land acquisition provisions available in the National Highways Act, 1956.

3. It has been the experience that a large number of disputes relating to compensation amount for land acquisition are brought before the courts of law. Often, these cases are pending for a long period of time in the courts and add to the work-load of the courts. Therefore, an expeditious mechanism of arbitration process is provided to resolve the dispute relating to amount of compensation.

4. In order to safeguard the interests of person affected by land acquisition for special railway projects, it is provided in proposed section 20-O of the Bill that the provisions of the Rehabilitation and Resettlement Policy, 2007 shall apply.

5. The amendments in the Railways Act, 1989 shall empower the Central Government in the Ministry of Railways (Railway Administration) for land acquisition for the public purpose by striking a balance between creation of basic critical infrastructure in the country and protecting the interest of the persons whose land is acquired.

6. As Parliament was not in session, and to give impetus to the critical infrastructure projects, it was considered necessary to take immediate action for making suitable provisions in the Railways Act, 1989 by promulgation of the Railways (Amendment) Ordinance, 2008 on the 31st January, 2008.

7. The Railways (Amendment) Bill, 2008 seeks to replace the Railways (Amendment) Ordinance, 2008 to achieve the above objectives.

FINANCIAL MEMORANDUM

The Bill seeks to provide for separate provisions relating to acquisition of land by amending the Railways Act, 1989, which will empower the Central Government in the Ministry of Railways to acquire land for the special railway projects which are essential for provision of basic infrastructure in the country. Acquisition of land involves payment of compensation to land owners.

2. As per new section 20F of the Bill, the amount of compensation shall be based on market-value of land. In addition to the market-value, the solatium at the rate of sixty per cent shall, invariably be paid to land owners in consideration of the compulsory nature of acquisition. The provisions of the Rehabilitation and Resettlement Policy, 2007 notified by the Government of India have also been extended to displaced persons as per new section 20-O.

3. The amount of compensation and other expenses relating thereto shall be borne out of the fund sanctioned for the special railway projects. The Bill does not require any budgetary support and thus any expenditure would be a part of the administrative expenditure of the Ministry.

14. Further, by the notification dated 28.08.2015, the Central Government in exercise of the powers conferred by sub-section (1) of Section 113 of the Act’ 2013, has promulgated the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015. The said order of 2015 has been brought into force with effect from 01.09.2015. However, the provision therein were already given effect to from 01.01.2015 in view of the RFCTLARR (Amendment) Ordinance, 2015 promulgated on 31.12.2015 amending Section 105 of the Act, 2013. Thus, the provisions

of the 2013 Act relating to the determination of the compensation, rehabilitation and resettlement in cases of land acquisition under the enactments specified in the Fourth Schedule thereto have been extended w.e.f. 01.01.2015. The Removal of Difficulties Order, 2015 notified under Section 113(1) of the Act, 2013, reads as under:-

" **MINISTRY OF RURAL DEVELOPMENT**

ORDER

New Delhi, the 28th August, 2015

S.O. 2368(E).--- Whereas, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as the RFCTLARR Act) came into effect from 1st January, 2014;

And whereas, sub-section (3) of Section 105 of the RFCTLARR Act provided for issuing of notification to make the provisions of the Act relating to the determination of the compensation, rehabilitation and resettlement applicable to cases of land acquisition under the enactments specified in the Fourth Schedule to the RFCTLARR Act;

And whereas, the notification envisaged under sub-section (3) of Section 105 of the RFCTLARR Act was not issued, and the RFCTLARR (Amendment) Ordinance, 2014 (9 of 2014) was promulgated on 31st December, 2014, thereby, *inter-alia*, amending Section 105 of the RFCTLARR Act to extend the provisions of the Act relating to the determination of the compensation and rehabilitation and resettlement to cases of land acquisition under the enactments specified in the Fourth Schedule to the RFCTLARR Act;

And whereas, the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015) was promulgated on 3rd April, 2015 to give continuity to the provisions of the RFCTLARR (Amendment) Ordinance, 2014;

And whereas, the RFCTLARR (Amendment) Second Ordinance, 2015 (5 of 2015) was promulgated on 30th May, 2015 to give continuity to the provisions of the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015);

And whereas, the replacement Bill relating to the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015) was referred to the Joint Committee of the Houses for examination and report and the same is pending with the Joint Committee;

As whereas, as per the provisions of article 123 of the Constitution, the RFCTLARR (Amendment) Second Ordinance, 2015 (5 of 2015) shall lapse on the 31st day of August, 2015 and thereby placing the land owners at the disadvantageous position, resulting in denial of benefits of enhanced compensation and rehabilitation and resettlement to the cases of land acquisition under the 13 Acts specified in the Fourth Scheduled to the RFCTLARR Act as extended to the land owners under the said Ordinance;

And whereas, the Central Government considers it necessary to extend the benefits available to the land owners under the RFCTLARR Act to similarly placed land owners whose lands are acquired under the 13 enactments specified in the Fourth Schedule; and accordingly the Central Government keeping in view the aforesaid difficulties has decided to extend the beneficial advantage to the land owners and uniformly apply the beneficial provisions of the RFCTLARR Act, relating to the determination of compensation and rehabilitation and resettlement as were made applicable to cases of land acquisition under the said enactments in the interest of the land owners;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 113 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the Central Government hereby makes the following Order to remove the aforesaid difficulties, namely:

1. (1) This Order may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015.

   (2) It shall come into force with effect from the 1st day of September, 2015.

2. The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second

> Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to all cases of land acquisition under the enactments specified in the Fourth Schedule to the said Act."

15. Resultantly, the provisions of the 2013 Act have been applied for determination of compensation in accordance with the First Schedule therein (except the disputed statutory benefits of Section 30(3) on Multiplication Factor 2), in the acquisition in question.

16. It was further submitted that with the incorporation of Chapter IV-A into the Railways Act, 1989, the Repealing and Amending Act, 2016 (Act No. 23 of 2016) repealed the Railways (Amending) Act, 2008 in ("the whole"). The savings clause of the Repealing and Amending Act, 2016 reads as under:

> "**4. Savings:-** The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;….."

17. It was, thus, argued that even while repealing the Railways (Amending) Act, 2008 by virtue of Act No. 23 of 2016, the legislature specifically saved all the provisions of the enactment which have been applied and incorporated, or referred to in the main enactment itself. The provisions of Section 20-F(9) and 20-O incorporated in Chapter IV-A of the Railways Act, 1989 in the main enactment, thus, have been saved and would be attracted and have to be applied in the acquisitions for a 'Special Railway Project'.

18. On the principle of repeal and saving of an enactment / the law, relying upon the decision of the Apex Court in ***Kishorebhai Khamanchand Goyal v. State of Gujarat, (2003) 12 SCC 274***, it was argued by the learned counsel for the petitioners that there is a presumption against repeal by implication, and the reason for this rule is based on the theory that the legislature, while enacting a law, has complete knowledge of the existing laws on the same subject matter and, therefore, where it does not provide a repealing provision, the intention is clear not to repeal the existing legislation.

19. The submission is that when the new Act contains a repealing section mentioning the Acts which it expressly repeals, the presumption against implied repeal on other laws is further strengthened on the principle of *expressio unius (personae vel rei) est exclusio alterius*. (The express intention of one person or thing is the exclusion of another).

20. It was argued that the continuance of the existing legislation in the absence of an express provision of repeal being presumed, the burden to show that there has been repeal by implication lies on the party asserting it. The presumption is, however, rebutted and a repeal is inferred by necessary implication where the provisions of the later Act are so inconsistent with or repugnant to the provisions of the earlier Act that the two cannot stand together. But if the two can be read together and some application can be made of the words in the earlier Act, a repeal will not be inferred. (Ref: Paragraph 6)

21. The submission is that to apply the doctrine of implied repeal, the necessary questions to be asked by the court are:

(i) Whether there is a direct conflict between the two provisions?

(ii) Whether the legislature intended to lay down an exhaustive Code in respect of the subject matter replacing the earlier law?

(iii) Whether the two laws occupy the same field?

22. The doctrine of implied repeal is based on the theory that the legislature, which is presumed to know the existing law, did not intend to create any confusion by retaining conflicting provisions and, therefore, where the court applies the doctrine, it does no more than give effect to the intention of the legislature by examining the scope and object of the two enactments and by comparison of their provisions. The matter in each case is one of construction and comparison of two statutes. The court leans against implying a repeal "unless two Acts are so plainly repugnant to each other that effect cannot be given to both at the same time, a repeal will not be implied unless there is an apparent inconsistency in the two Acts standing together".

23. To determine whether a later statute repeals by implication an earlier, it is necessary to scrutinize the terms and consider the true meaning and effect of the earlier Act. Until it is done, it is impossible to ascertain whether any inconsistency exists between the two enactments. (Ref:Paragraph 8)

24. A determinative test, as laid down, is whether the enactments are sharply conflicting or are inconsistent and/or repugnant.

25. Relying on the decision in ***Harshad S. Mehta & Ors. v. State of Maharashtra, [(2001) 8 SCC 257]***, paragraph Nos. '30' to '31' therein have been placed before us, which read as under:-

> "**30.** The reason for the presumption as aforesaid is that the legislature while enacting a law has a complete knowledge of the existing laws on the subject-matter and, therefore, when it does not provide a repealing provision, it gives out an intention not to repeal the existing legislation. The burden to show that there has been a repeal by implication lies on the party asserting it. Relying upon *Statutory Interpretation* by Francis Bennion (1984 Edn.), counsel contends that where, as in the present case, the provisions of the later enactment (the Act) are contrary to those of the earlier (the Code), the later by implication repeals the earlier in accordance with the maxim *leges posteriores priores contrarias abrogant* (later laws abrogate earlier contrary laws). This is, however, subject to the exception embodied in the maxim *generalia specialibus non derogant* (a general provision does not derogate from a special one).
>
> **31.** One of the important tests to determine the issue of implied repeal would be whether the provisions of the Act are irreconcilably inconsistent with those of the Code that the two cannot stand together or the intention of the legislature was only to supplement the provisions of the Code. This intention is to be ascertained from the provisions of the Act. Courts lean against implied repeal. If by any fair interpretation both the statutes can stand together, there will be no implied repeal. If possible, implied repeal shall be avoided. It is, however, correct that the presumption against the intent to repeal by implication is overthrown if the new law is inconsistent with or repugnant to the old law, for the inconsistency or repugnancy reveals an intent to repeal the

> existing laws. Repugnancy must be such that the two statutes cannot be reconciled on reasonable construction or hypothesis. They ought to be clearly and manifestly irreconcilable....”

26. An English decision of the England and Wales Court of Appeal in ***Hamnett V. Essex County Council [2017] EWCA Civ 6*** has been placed before us to assert paragraph ‘26’ therein, which says that:-

> “**26.** To my mind, the answer lies in the well-known common law doctrine of implied repeal: where the provisions of two statutes cannot stand together, the later provisions prevail and the earlier provisions are treated as repealed by implication or amended to the extent necessary to remove the inconsistency. As expressed in *Bennion on Statutory Interpretation* (6th ed., 2013), at Section 87(1):
>
> > " Where a later enactment does not expressly repeal an earlier enactment which it has power to override, but the provisions of the later enactment are contrary to those of the earlier, the later by implication repeals the earlier in accordance with the maxim *leges posteriors priores contrarias abrogant* (later laws abrogate earlier laws). This is subject to the exception embodied in the maxim *generalia specialibus non derogant...*"
>
> It must be underlined that the Court will not lightly invoke the doctrine of implied repeal; necessary repeals are usually effected expressly:
>
> > " The rule is, therefore, that one provision repeals another by implication if, but only if, it is so inconsistent with or repugnant to that other that the two are incapable of standing together....."
> >
> > *Halsbury's Laws of England*, Vol. 96 (2012 ed.), at para. 698.

See too, *Ellen Street Estates Ltd. v Minister of Health* [1934] 1 KB 590, at pp. 595-6 and 597; *Thoburn v Sunderland City Council* [2002] EWHC 195 (Admin); [2003] QB 151, esp., at [42] and following and [60], *per* Laws LJ (a decision dealing with "constitutional statutes", with which we are not concerned). As to the exception or qualification spoken of by *Bennion,* the doctrine is inapplicable or more difficult to apply where the earlier enactment is particular and the later general, in nature: see, *Pattison v Finningley Internal Drainage Bd.* [1970] 2 QB 33, at pp. 37-39."

27. It was, thus, argued that while the legislature was having a complete knowledge of the existing law on the subject matter, i.e. for determination of compensation, namely, the Act, 2013 being made applicable by the Central Government by virtue of the notification issued under Section 113(1) of the Act' 2013, in relation to the acquisitions made under the Railways Act, 1989, but it does not provide repeal of the provisions contained in Chapter IV-A, specifically Section 20-F(9) and Section 20-O, while repealing the Railways (Amendment) Act, 2008 by virtue of the Repealing and Amending Act, 2016, saving the provisions incorporated under the main enactment. The intention of the legislature to retain the provisions contained in Chapter IV-A along with the other provisions incorporated by virtue of the Railways (Amendment) Act, 2008, i.e., not to repeal the existing Chapter IV-A under the Railways Act, 1989, is clear.

28. The result is that the repeal by implication, i.e. by application of the provisions of the 2013 Act by virtue of the notification dated 28.08.2015 of the Central Government, cannot be inferred. Both the aforesaid provisions contained in Chapter IV-A of the Railways Act, 1989 and that of Sections

26 to 30 of the Act’ 2013 in the matter of determination of compensation and providing statutory benefits in a compulsory acquisition for the ‘Special railway project’, therefore, exist on the statute book.

29. The only question that remains to be seen by the Court is whether there is a direct conflict between the provisions; or the legislature intended to lay down the 2013 Act as an exhaustive code in respect of application of the First, Second and Third Schedules to the acquisitions made under the enactments specified in the Fourth Schedule of the Act’ 2013. In other words, both the provisions of Section 20-F and 20-O of the Railways Act, 1989 contained in Chapter IV-A of the Railways Act, 1989 and the provisions of Section 26 to 30 (First, Second and Third Schedules) of the Act’ 2013 are occupying the same field, and if so, whether they can co-exist or have to be seen as competing enactments, i.e. whether Sections 20-F and 20-O of the Railways Act, 1989 can be said to be irreconcilably inconsistent with the provisions of Sections 26 to 30 (First, Second and Third Schedules) of the Act’ 2013.

30. The submission is that the Court has to examine whether the provisions of the Act’ 2013, applied by the notification dated 28th August, 2015 of the Central Government, are only to supplement the provisions of the Railways Act, 1989. This intention is to be ascertained from the provisions of the two enactments keeping in mind that the court leans against implied repeal and, if possible, implied repeal shall be avoided.

31. Further question is whether there is any inconsistency or repugnancy which reveals an intent to repeal the existing provision contained in the Chapter IV-A of the Railways Act, 1989, and which is such that the two statutes [provisions of the Railways Act, 1989 and the 2013 Act] cannot be reconciled on reasonable construction or hypothesis and are clearly and manifestly irreconcilable.

32. Considering the abovenoted legal principles, we would first like to go through the provisions of the Act' 2013 which have been pressed into service by the learned counsel for the respondent Railways to assert that nothing beyond the provisions contained therein can be awarded to the petitioners / land owners.

33. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 repealing the Land Acquisition Act, 1894 has been enacted with the idea to have a unified legislation dealing with the acquisition of land; provide for just and fair compensation and make adequate provisions for rehabilitation and resettlement mechanism for the affected persons and their families. The Bill provides for repealing and replacing the Land Acquisition Act, 1894 with broad provisions for adequate rehabilitation and resettlement mechanism for the project affected persons and their families. [Ref: Statement of Objects and Reasons of The Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Bill]

34. The SOR of the RFCTLARR Act, 2013 states that there had been heightening public concern on land acquisition, especially multi-crop irrigated land, and there was no central law to adequately deal with the issue of rehabilitation and resettlement of displaced persons.

35. It states that as land acquisition and rehabilitation and resettlement need to be seen as two sides of the same coin, a single integrated law to deal with the issue of land acquisition and rehabilitation and resettlement had become necessary. The legislation, thus, proposed to address concern of farmers and those whose livelihoods are dependent on the land being acquired, while at the same time facilitating land acquisition for industrialization, infrastructure and urbanization projects in a timely and transparent manner.

36. It is further stated in the SOR that the National Rehabilitation and Resettlement Policy, 2007 had been formulated and with the notification in the official gazette, became operative with effect from 31.10.2007. Besides that, many State Governments, public sector undertakings and agencies had their own resettlement and rehabilitation policies.

37. On the application of the existing policy and the need to ensure comprehensive compensation package and rehabilitation and resettlement package for the land owners, the relevant clauses in the SOR of RFCTLARR Bill, stated as under:-

*“**9.** The National Rehabilitation and Resettlement Policy, 2007 has been formulated on these lines to replace the National Policy on Resettlement and Rehabilitation for Project Affected Families, 2003. The new policy has been notified in the Official Gazette and has become operative with effect from the 31st October, 2007. Many State Governments have their own Rehabilitation and Resettlement Policies. Many Public Sector Undertakings or agencies also have their own policies in this regard.*

***10.** The law would apply when Government acquires land for its own use, hold and control, or with the ultimate purpose to transfer it for the use of private companies for stated public purpose or for immediate and declared use by private companies for public purpose. Only rehabilitation and resettlement provisions will apply when private companies buy land for a project, more than 100 acres in rural areas, or more than 50 acres in urban areas. The land acquisition provisions would apply to the area to be acquired but the rehabilitation and resettlement provisions will apply to the entire project area even when private company approaches Government for partial acquisition for public purpose.*

***11.** "Public purpose" has been comprehensively defined, so that Government intervention in acquisition is limited to defence, certain development projects only. It has also been ensured that consent of at least 80 per cent, of the project affected families is to be obtained through a prior informed process. Acquisition under urgency clause has also been limited for the purposes of national defence, security purposes and Rehabilitation and Resettlement needs in the event of emergencies or natural calamities only.*

***12.** To ensure food security, multi-crop irrigated land shall be acquired only as a last resort measure. An equivalent area of culturable wasteland shall be developed, if multi-crop land is acquired. In districts where net sown area is less than 50 per cent, of total geographical area, no more than 10 per cent. of the net sown area of the district will be acquired.*

***13.** To ensure comprehensive compensation package for the land owners a scientific method for calculation of the market value of the land has been proposed. Market value calculated will be multiplied by a factor of two in the rural areas. Solatium will also be increased upto 100 per cent. of the total compensation. Where land is acquired for urbanization, 20 per cent. of the developed land will be offered to the affected land owners.*

***14.** Comprehensive rehabilitation and resettlement package for land owners including subsistence allowance, jobs, house, one acre of land in cases of irrigation projects, transportation allowance and resettlement allowance is proposed.*

15. *Comprehensive rehabilitation and resettlement package for livelihood losers including subsistence allowance, jobs, house, transportation allowance and resettlement allowance is proposed.*

16. *Special provisions for Scheduled Castes and the Scheduled Tribes have been envisaged by providing additional benefits of 2.5 acres of land or extent of land lost to each affected family; one time financial assistance of Rs. 50,000; twenty-five per cent. additional rehabilitation and resettlement benefits for the families settled outside the district; free land for community and social gathering and continuation of reservation in the resettlement area, etc.*

17. *Twenty-five infrastructural amenities are proposed to be provided in the resettlement area including schools and play grounds, health centres, roads and electric connections, assured sources of safe drinking water, Panchayat Ghars, Anganwadis, places of worship, burial and cremation grounds, village level post offices, fair price shops and seed-cum-fertilizers storage facilities.*

18. *The benefits under the new law would be available in all the cases of land acquisition under the Land Acquisition Act, 1894 where award has not been made or possession of land has not been taken.*

19. *Land that is not used within ten years in accordance with the purposes, for which it was acquired, shall be transferred to the State Government's Land Bank. Upon every transfer of land without development, twenty per cent. of the appreciated land value shall be shared with the original land owners.*

20. *The provisions of the Bill have been made fully compliant with other laws such as the Panchayats (Extension to the Scheduled Areas) Act, 1996; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Land Transfer Regulations in Fifth Scheduled Areas. 21. Stringent and comprehensive penalties both for the companies and Government in cases of false information, mala fide action and contravention of the provisions of the propose legislation have been provided.*

22. *Certain Central Acts dealing with the land acquisition have been enlisted in the Bill. The provisions of the Bill are in addition to and not in derogation of these Acts. The provisions of this Act can be applied to these existing enactments by a notification of the Central Government.*

23. *The Bill also provides for the basic minimum requirements that all projects leading to displacement must address. It contains a saving clause to enable the State Governments, to continue to provide or put in place greater benefit levels than those prescribed under the Bill.*

> ***24.*** *The Bill would provide for the basic minimum that all projects leading to displacement must address. A Social Impact Assessment (SIA) of proposals leading to displacement of people through a participatory, informed and transparent process involving all stake-holders, including the affected persons will be necessary before these are acted upon. The rehabilitation process would augment income levels and enrich quality of life of the displaced persons, covering rebuilding socio-cultural relationships, capacity building and provision of public health and community services. Adequate safeguards have been proposed for protecting rights of vulnerable sections of the displaced persons.*

38. From a bare reading of the entire SOR, it can be seen that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted to achieve the objectives of;

i. A unified legislation dealing with acquisition of lands, providing for just and fair compensation and making adequate provisions for rehabilitation and resettlement mechanism for the affected persons and their families.

ii. Besides containing provisions to ensure comprehensive compensation package for the land owners, comprehensive rehabilitation and resettlement package including subsistence allowance, job, house, etc., for livelihood of land losers, were conceived.

iii. Special provisions were made for the lands of Scheduled Castes and Scheduled Tribes.

iv. And, the benefits under the new law have been made available to all cases of land acquisition under the Land Acquisition Act, 1894 where award had not been made or possession of their land had not been taken.

v. The provisions of the Act, 2013 are "in addition to and not in derogation" of the existing Central laws dealing with land acquisition enlisted in the Bill. It is provided that the provisions of the Act, 2013 can be applied to the existing enactments by a notification of the Central Government.

39. Thus, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with effect from 01.01.2014 with a view to provide greater benefits than those available under the Land Acquisition Act, 1894 and the existing Central enactments enlisted therein dealing with the land acquisition.

40. Several provisions have, thus, been incorporated in the Act, 2013 in order to achieve the abovenoted objectives mentioned in the SOR.

41. Section 26 provides for a scientific method for calculation of the market value and a multiplication factor by which the market value is to be multiplied in the case of rural areas (as specified in the First Schedule). Solatium was increased up to 100% of the total compensation and the provisions for a rehabilitation and resettlement package including the infrastructure facilities and basic minimum amenities to be provided for the resettlement of populations at the cost of the requisitioning authority, have been incorporated in the First, Second and Third Schedule of the Act, 2013.

42. Chapter V encompassing the provisions of Sections 31 to 42 of the Act, 2013 are covering a comprehensive rehabilitation and resettlement package for land owners referable to the Second and Third Schedule of the Act, 2013 and special provisions for Scheduled Castes and Scheduled Tribes. Fourth Schedule of the Act’ 2013 contains the list of Central enactments regulating land acquisition and rehabilitation and resettlement, including the Railways Act, 1989, relevant for the present matter.

43. Sections 105 to 108 are the provisions which provide for extension of the benefits of Act, 2013 in accordance with First, Second and Third Schedule to the affected families by notification of the Central Government and further empowering the State Legislatures / State Government to enact any law or policy more beneficial to the affected families providing for higher compensation than provided under the Act, 2013 for the acquisition of land, or offering more beneficial rehabilitation and resettlement provisions to the affected persons or their families.

44. Section 106 while empowering the Central Government by notification to amend or alter any of the Schedules to the Act, puts a caveat that such amendments or alteration in no way reduce the compensation or dilute the provisions of the Act relating to compensation or rehabilitation and resettlement. Section 113 of the Act, 2013 empowers the Central Government to issue any order, which as may appear to it to be necessary or expedient for removal of the difficulty.

45. For ready reference, Section 105 to 108 and Section 113 are reproduced hereunder:-

*"**105. Provisions of this Act not to apply in certain cases or to apply with certain modifications.–***
(1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.
(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

106. Power to amend Schedule.–

(1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

107. Power of State Legislatures to enact any law more beneficial to affected families.–
Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

108. Option to affected families to avail better compensation and rehabilitation and resettlement.–
(1) Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act."

*"**113. Power to remove difficulties.–***
(1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the *expiry of a period of two years from the commencement of this Act.*

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

46. There is no quarrel to the application of the provisions of the Act, 2013 in the matter of determination of compensation as per the First Schedule referable to the provisions of Sections 26 to 30 as contained in Chapter IV of the Act, 2013 and rehabilitation and resettlement provisions incorporated in the Second and Third Schedule referable to Chapter V, specifically Section 31(1) from 38(1), in view of the Removal of Difficulties Order, 2015 notified under Section 113(1) of the Act, 2013 by the Central Government.

47. From a careful reading of the notification dated 28.08.2015 of the Central Government (extracted hereinbefore) extending the provisions of First, Second and Third Schedule to all cases of land acquisition under the enactments specified in the Fourth Schedule of the Act, 2013, we may extract the objects and reasons for bringing the said notification, at the cost of repetition, which reads as under:

"And whereas, the Central Government considers it necessary to extend the benefits available to the land owners under the RFCTLARK Act to similarly placed land owners whose lands are acquired under the 13 enactments specified in the Fourth Schedule; and accordingly the Central Government keeping in view the aforesaid difficulties has decided to extend the beneficial advantage to the land owners and uniformly apply the beneficial provisions of the RFCTLARR Act, relating to the determination of compensation and rehabilitation and resettlement as were made applicable to cases of land acquisition under the said enactments in the interest of the land owners;"

48. A bare reading of the aforesaid indicates that it was decided to extend the benefits available under the Act, 2013 relating to the determination of compensation, resettlement and rehabilitation, uniformly, to cases of land acquisition under the enactments enlisted in the Fourth Schedule, in the interest of the land owners.

49. Section 103 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 further reads that:-

> ***"103. Provisions to be in addition to existing laws.-***
> *The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force."*

50. It was argued before us that the extension of benefits of First, Second and Third Schedule of 2013 Act to cases of land acquisitions under the enactments specified in the Fourth Schedule, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule, shall have to be considered and applied in addition to the existing benefits under the enlisted enactments, land acquisition laws relating to compensation and rehabilitation and resettlement, being a beneficial legislature and a statute enacted in addition to and not in derogation of any other existing Central enactment. The submission is that the benefits extended under the provisions of Act, 2013 are to be considered as incorporated over and above and in addition to the benefits already available under the existing Central

enactments enlisted in the Fourth Schedule of the Act, 2013, pertaining to the acquisition in question.

51. It was placed before us that the language employed in Section 103 of the Act, 2013 came up for consideration before the Apex Court in ***Commr. & LAO v. S.V. Global Mill Ltd. [2026 SCC OnLine SC 171],*** wherein the Apex Court primarily deliberated on the interplay of Section 74 read with Section 103 of the Act, 2013 and the incidental question therein was about the application of the Land Acquisition Act, 1894 in cases where land acquisition proceedings were initiated under the 1894 Act, but the award had been passed after the commencement of the Act, 2013.

52. It was noted therein that the entire structure of Act, 2013 makes it abundantly clear that the Act was meant to provide more benefits while ensuring a robust mechanism for awarding just and fair compensation to the land owners.

53. It was held that the Act, 2013 is a beneficial legislation safeguarding the interest of land owners while balancing the needs of development in a humane, participative, informed and transparent process. The Court must make a conscious endeavor to give effect to its avowed objectives. Section 103 throws more light on the big structure of the legislation, as it facilitates adequate borrowing from other enactments. In fact, the completeness of the Act, 2013 comes from such borrowing. The language of the provision, (Section 103) is self-explanatory. It is both; positive and negative as it states that the provisions of Act, 2013 are in addition to the existing

laws, while clarifying that it is not in derogation of the same. Section 103, as it is, defines the nature of the entire enactment.

54. Taking note of Section 105 of the Act, 2013, it was further observed therein that the said provision is in consonance with Clause 22 of the Statement of Objects and Reasons of the Act, 2013, (SOR) of 2013 Act which clearly indicates that the provisions of Act, 2013 are "in addition to and not in derogation of" Central Acts dealing with land acquisition. Thus, from the scheme of the Act, 2013 through its provisions in Sections 103 and 105, no specific embargo with regard to application of other enactments can be found under the Act, 2013. It was, thus, concluded in paragraph '41' by the Apex Court in ***Commr. & Lao (supra)*** that:-

> *" **41.** To sum up:—*
> *From the above analysis, we hold that the 2013 Act is a special law and a complete code to a large extent, but does not bar any assistance from the other enactments to give effect to its avowed object. After all, we must not lose sight of the fact that the right to get fair compensation is enshrined under Article 300A of the Constitution and when the statute itself provides so, it must be given effect to by the Court, notwithstanding any other possible technical interpretation. In other words, the provisions of the 2013 Act are meant to give effect to its object and, therefore, any contra interpretation would result in its destruction, and must be avoided by the Court.*

55. At this itself, meaning of the expression, "in addition to and not in derogation of any other law", construed by the three judge bench of the Apex Court in ***KSL & Industries Ltd. v. Arihant Threads Ltd. [(2015) 1 SCC 166]***, with reference to paragraphs '36', '39' and '49' is also to be noted as under:-

*"**36**[*]**.** Sub-section (2) was added to Section 34 of the RDDB Act w.e.f. 17-1-2000 by Act 1 of 2000. There is no doubt that when an Act provides, as here, that its provisions shall be in addition to and not in derogation of another law or laws, it means that the legislature intends that such an enactment shall coexist along with the other Acts. It is clearly not the intention of the legislature, in such a case, to annul or detract from the provisions of other laws. The term "in derogation of" means "in abrogation or repeal of". The Black's Law Dictionary sets forth the following meaning for "derogation":*

> *"derogation.—The partial repeal or abrogation of a law by a later Act that limits its scope or impairs its utility and force."*

It is clear that sub-section (1) contains a non obstante clause, which gives the overriding effect to the RDDB Act. Sub-section (2) acts in the nature of an exception to such an overriding effect. It states that this overriding effect is in relation to certain laws and that the RDDB Act shall be in addition to and not in abrogation of, such laws. SICA is undoubtedly one such law."

*"**39.** There is no doubt that both are special laws. SICA is a special law, which deals with the reconstruction of sick companies and matters incidental thereto, though it is general as regards other matters such as recovery of debts. The RDDB Act is also a special law, which deals with the recovery of money due to banks or financial institutions, through a special procedure, though it may be general as regards other matters such as the reconstruction of sick companies which it does not even specifically deal with. Thus the purpose of the two laws is different."*

***49.** The term "not in derogation" clearly expresses the intention of Parliament not to detract from or abrogate the provisions of SICA in any way. This, in effect must mean that Parliament intended the proceedings under SICA for reconstruction of a sick company to go on and for that purpose further intended that all the other proceedings against the company and its properties should be stayed pending the process of reconstruction. While the term "proceedings" under Section 22 of SICA did not originally include the RDDB Act, which was not there in existence. Section 22 covers proceedings under the RDDB Act."*

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[*]**[Ed. : Para 36 corrected vide Official Corrigendum No. F.3/Ed.B.J./61/2014 dated 25-11-2014.]**

56. The literal meaning of the expression 'in derogation of', set out in the Black's Law Dictionary is, 'in abrogation of' or 'repeal of'. The expression, 'not in derogation' clearly expresses the intention of the legislature not to detract from or abrogate the existing provisions of law, in the Central enactment relating to land acquisition, as clarified in Section 103 read with Section 105 of the Act, 2013.

57. Moreover, purpose of two enactments being same, i.e. providing for the procedure of land acquisition, determination of compensation and rehabilitation and resettlement provision, there being no overriding effect given to Act, 2013, as held by the Apex Court in ***Commr. & Lao (supra),*** full effect is to be given to the Act, 2013, notwithstanding any other possible technical interpretation. Any contrary interpretation which will result in destruction of the scheme of Act, 2013 or making its provision redundant or negatory must be avoided by the court.

58. Further, the Act, 2013, can be considered as a complete code in the matter of acquisition, determination of compensation and rehabilitation and resettlement, when it facilitates borrowing from other enactments by virtue of Section 103, and is made applicable to cases of acquisitions under the Central enactment enlisted in the Fourth Schedule by virtue of Section 105 read with Section 113.

59. The question which needs to be examined by us is that "when two provisions are operating in the same field, whether the provisions of Section 20-F(9) and Section 20-O of the

Railways Act, 1989 can be said to be overlapping the provisions contained in Section 30(1) of the Act, 2013 pertaining to solatium and Section 31(1) and Section 38(1) pertaining to rehabilitation and resettlement award for affected families in terms of the entitlements provided in the Second Schedule and Third Schedule.

60. It is also to be examined by us “whether the provisions of Act, 2013 in the matter of determination of compensation and rehabilitation and resettlement package have enveloped the similar provisions of the enactments enlisted in the Fourth Schedule within its umbrella and the existing benefits under said enactments are subsumed within the more beneficial provisions provided in Act, 2013, since both are Central enactments operating in the same field, and the former Central enactments have been borrowed in the later Act of 2013, by virtue of Section 103 of the Act, 2013.”

61. In other words, we have to examine whether for the mere fact that two sets of enactments, namely the prior enlisted Central enactments in the Fourth Schedule of the Act, 2013 and the First Schedule of the later Act, 2013 are operating in the same field, there can be any inference or assumption of conflict, that too when no overriding effect has been given to the provisions of the Act, 2013 rather the Act / law of 2013 is an extension of the benefits already enumerated in the Central enactments dealing with the cases of land acquisition pertaining to different subject.

62. We may further note the basic principle of statutory interpretation that no part of the statute and no word of the statute can be construed in isolation and the statutes have to be construed so that every word has a place and everything is in its place.

63. Interpretation must depend on the text and the context. They are the basis of interpretation. The text is the texture, whereas the context is what gives it colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses, the Court must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. [Ref:- Paragraph '33' of the ***RBI v. Peerless General Finance & Investment Co. Ltd. [(1987) 1 SCC 424]***]

64. The primary principle of interpretation is that a Constitutional or statutory provision should be construed "according to the intent of they that made it". Normally, such intent is gathered from the language of the provision. If the language or the phraseology employed by the legislation is precise and plain and thus by itself proclaims the legislative intent in unequivocal terms, the same must be given effect to, regardless of the consequences that may follow. But if the words used in the provision are imprecise, protean or evocative or can reasonably bear meanings more than one, the rule of strict grammatical construction ceases to be a sure guide to reach at the real legislative intent. In such a case, in order to ascertain the true meaning of the terms and phrases employed, it is legitimate for the Court to go beyond the arid literal confines of the provision and to call in aid other well recognised rules of construction, such as <u>its legislative history, the basic scheme and framework of the statute as a whole, each portion throwing light on the rest, the purpose of the legislation, the object sought to be achieved, and the consequences that may flow from the adoption of one in preference to the other possible interpretation</u>. [Ref:- ***Chief Justice of A.P. v. L.V.A. Dixitulu, [(1979) 2 SCC 34]***]

65. One of the Canons of construction applied to interpretation of statute in case of ambiguity or uncertainty in the expression in the language of the statute, is that, where two alternative constructions are possible, the court must choose the one which will be in accord with the other parts of the statute and ensure its smooth, harmonious working, and

eschew the other which leads to absurdity, confusion, or friction, contradiction and conflict between its various provisions, or undermines, or tends to defeat or destroy the basic scheme and purpose of the enactment.

66. Mr.Maulik G. Nanavati, the learned advocate for the petitioners heavily relying upon para ‘78’ of the judgment of the Apex Court in ***Commr. & Lao (supra)***, would vehemently argue that taking into account of the intent of Section 103 of the Act’ 2013, which clarifies that 2013 Act is "in addition to and not in derogation of the existing law", any interpretation of Section 30(1) of the Act’ 2013 being inclusive of Section 20-F(9) of the Railways Act' 1989 would make Section 103 of Act’ 2013 redundant and otiose. The submission is that when the legislature introduces a provision, there can be no interpretation in ignorance of it. Such an ignorant interpretation would be dangerous, as it would amount to striking down the very provision itself even without a challenge.

67. The contention, thus, is that by reading of Section 20-F(9) and the provisions of Section 30(1) of the Act’ 2013, it is to be held that both the provisions would operate together in a case of acquisition of lands for a 'Special railway project' under the scheme of the Railways Act’ 1989 and an additional sum of 60% on the market value determined by the competent authority shall have to be paid, over and above the amount paid under Section 30(1) as Solatium, equal to 100% of the compensation amount. The submission is that additional amount of 60% as contemplated in Section 20-F(9) cannot

even be strictly termed as Solatium within the meaning of Section 30(1) of the Act' 2013 and in any case, it will not be subsumed in the said provision of the Act' 2013 in view of Section 103 of the Act' 2013 and the scheme of 2013 Act that the benefits provided therein are in addition to the benefits incorporated in the existing land acquisition laws.

68. The result is that as per the contention of the learned counsel for the petitioner, additional amount of 60% as per Section 20-F(9), if held not payable in an acquisition for "Special railways project", it would render the said provision otiose or redundant, which would be contrary to the legislative intent.

69. Further, relying upon paras '8' and '13' of ***Dhanraj v. Vikram Singh [2023 SCC OnLine SC 724]***, it was argued that the law is well settled. There is always a presumption of constitutionality in favour of a statutory provision and in absence of any challenge to the provisions of Section 20-F(9) by the Railways Authority, this Court would desist from ignoring the same in the matter of determination of compensation under the Railways Act, 1989 for "Special railways project".

70. Relying upon ***Chandran Pillai v. Joint Registrar of Co-Operative Societies (General) [2019 SCC OnLine Ker 1646]*** (*emphasis on paragraph '14'*), it was argued that well established norms and principles of statutory interpretation is that no Court can render provisions of a Statute, especially when they are not challenged, nugatory or redundant.

71. Relying upon paras ‘13’ and ‘14’ of the ***Commr. & Lao (supra),*** it was submitted that it is well settled that beneficial or welfare statutes should be given a liberal and not literal or strict interpretation. Words occurring in statutes of liberal import are not put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the “colour”, the “content” and the “context” of such statutes [borrowed from Lord Wilberforce's opinion in *Prenn* v. *Simmonds*, [[1971] 3 All ER 237 (HL)] therein. If two views are possible, the view which accords with the beneficial object sought to be achieved by the legislation, is obviously the preferred view.

72. Lastly, the decision in ***State of M.P. v. Rakesh Kohli [(2012) 6 SCC 312]*** has been pressed into service to urge that the Court cannot legislate or sit over the wisdom of legislation and hardship to any of the parties, is no ground to nullify statutory provision.

73. Mr.Ankit Shah, the learned advocate appearing for the respondent Railways, in rebuttal, would rely upon the decision in ***NHAI v. P. Nagaraju [(2022) 15 SCC 1]*** to submit that the Apex Court, on a comparison of the provisions of the National Highways Act’ 1956 and the Act of 2013, has held therein that the provision of National Highways Act’ 1956 providing for statutory parameters to be taken into consideration under Section 3G(7)(a), only provides for basic

statutory parameters for determining the amount payable as compensation. While applying the same parameters for determination of compensation, since the RFCTLARR Act, 2013 is also applicable as the NH Act is contained in the Fourth Schedule, the factors as provided under Sections 26 and 28 of RFCTLARR Act, 2013, have been held applicable in appropriate cases for determination of the market value as fair compensation for the acquired land.

74. It was observed therein that Articles 300A and 31A of the Constitution have to be borne in mind in a case where the land is acquired from a citizen, since the deprivation of property should be with the authority of law, after being duly compensated. Such law would provide for adequately compensating the land looser keeping in view the market value. Though each enactment may have a different procedure prescribed for the process of acquisition depending on the urgency, the method of determining the compensation cannot be different as the market value of the land and the hardship faced due to deprivation of the property would be the same irrespective of the Act under which it is acquired or the purpose for which it is acquired.

75. It was, thus, held that Section 28 of the Act' 2013 providing for parameters to be considered by the Collector for determination of award shall be held applicable in addition to and, over and above, the basic parameters mentioned in Section 3G(7).

76. Reliance is further placed on the decision of the Apex Court in the case of ***Union of India v. Tarsem Singh [(2019) 9 SCC 304]***, to submit that the Apex Court therein considering the objects and reasons led to the 1997 amendment in the National Highways Act, 1956 has held that the amendments have been brought with the limited object to expedite the process of land acquisition by avoiding inordinate delay therein.

77. The object of the Amendment Act, 1997 was fulfilled by providing a scheme different from that contained in the Land Acquisition Act, 1894, inasmuch as, its limited object is to expedite the process of land acquisition by avoiding inordinate delay therein. However, in friction from the provisions of the Land Acquisition Act, 1894, the matter of granting of compensation without Solatium and interest is not basically and essentially necessary to carry out object of the 1997 Act. It was, thus, held that exclusion of the benefits of Solatium and interest for acquisitions under the National Highways Act, 1956 was against the spirit of Article 300A of the Constitution of India and such a provision would not receive the protective umbrella of Article 31C, as it leads to infraction of Article 14 applicable in the case of acquisition of lands under different enactments.

78. It was argued before us that the Apex Court in ***Tarsem Singh (supra)***, relying upon ***Nagpur Improvement Trust v. Vithal Rao, [(1973) 1 SCC 500]***, has categorically held that it is not possible to discriminate between landowners whose lands have been acquired for other public purposes under the

Land Acquisition Act, 1894 and the Act' 2013, and under the National Highways Act 1956, inasmuch as, in case of differential treatment of one owner from another equally situated owner whose lands are acquired under enactments, he can claim the protection of Article 14.

79. The submission, thus, is that looking to the object and purpose of bringing amendment in the National Highways Act, 1956 to speed up the process of acquisition for highway projects, it was held therein that the provisions of the Act, 1894 and Act, 2013 would apply to acquisitions under the National Highways Act, 1956 and Section 3J of the Act, 1956, and the provisions excluding applicability of the Land Acquisition Act, 1894 would have to be held unconstitutional, to the extent of denial of Solatium and interest.

80. The submission of Mr.Shah, thus, is that keeping in mind the provisions of the Act' 2013 and the Railways Act, it is to be seen that both Section 20-F (9) of the Railways Act and Section 30(1) of the Act, 2013 are providing for the same benefits, inasmuch as, the language employed in Section 20-F(9) that additional sum of 60% on the market value determined by the competent authority or the arbitrator shall be paid "in consideration of the compulsory nature of acquisition" clearly indicates that the sum of 60% mentioned therein is nothing but solatium, which is payable in consideration of the compulsory nature of the acquisition as discussed by the Apex Court in ***Tarsem Singh (supra).***

81. As the solatium amount payable to the landowners in consideration of the compulsory nature of acquisition has been increased to 100% of the compensation amount, as against 60% payable under Section 20-F(9) of the Railways Act, 1989, the Solatium amount awarded under Section 30(1) of the Act, 2013, in the present case of acquisition of lands for 'Special Railway Project' under the Railways Act, 1989, would satisfy the requirement of awarding additional amount in consideration of the compulsory nature of acquisition. The petitioners are not entitled for any additional amount beyond 100% of the compensation determined as per section 30(1) of the Act, 2013 and all arguments made in that regard on the premise of Section 103 of the Act, 2013 are misconceived and liable to be turned down.

ANALYSIS:-

82. Keeping in mind the principles enunciated above, we will first have to peep into the historical background of the provisions of Land Acquisition Act, 1894, the Railways Act, 1989 and the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (Act of 2013), as also the concept of “Solatium” or the “additional amount payable in consideration of the compulsory nature of the acquisition” under the scheme of the aforesaid three enactments.

83. As noted hereinabove, admittedly the only provision which dealt with the acquisition of lands for the railway projects prior to the Amendment Act 11 of 2008 with effect from

31.01.2008, was the Land Acquisition Act' 1894. Thus, for acquisition of any private land for railway projects prior to 31.01.2008, the provisions of the Land Acquisition Act, 1894 were invoked.

84. The Railway Amendment Bill, 2008 seeking to amend the Railways Act, 1989 by the Railway Amendment Act, 2008 has been brought with the objective for completion of 'Special railway projects' on expeditious basis in a time scheduled manner.

85. The need felt was to bring an amendment in the Railways Act, 1989 to empower the Central Government (Ministry of Railways), for land acquisition on fast track basis for 'Special railway projects' on the lines of the land acquisition provisions available in the National Highways Act, 1956. The object and reasons of bringing the Amendment Act 2008, as noted hereinabove was, thus, to incorporate the provisions for :-

> (i) providing time schedule for acquisition of 'Special railway projects';
>
> (ii) incorporating expeditious mechanism of arbitration process to resolve the dispute relating to amount of compensation;
>
> (iii) to apply the provisions of National Rehabilitation and Resettlement Policy of 2007 to safeguard the interest of persons affected by land acquisition for 'Special railway projects', by incorporating Section 20-O therein.

86. In totality, the object was to strike a balance between creation of critical basic infrastructure in the country in order to have sustainable economic growth and development and protecting the interest of persons whose land is acquired.

87. The Railways Amendment Act, 2008, thus, made departure from the provisions relating to the determination of compensation under Land Acquisition Act, 1894 by incorporating Section 20-F, providing for additional amount of 60% to be paid to the land owner in consideration of compulsory nature of acquisition and for extension of the Rehabilitation and Resettlement Policy, 2007 notified by the Government of India to the displaced persons as per Section 20-O. Section 20-N further excludes application of the Land Acquisition Act' 1894 to acquisitions under the Railways Act.

88. The statement pertaining to financial memorandum of the Railways Amendment Bill, 2008 (Bill Number 19 of 2008), makes it clear that 60% amount in addition to the market value, invariably to be paid to the land owners, is solatium in consideration of the compulsory nature of acquisition.

89. It can, thus, be seen that while making departure from the provisions of the Land Acquisition Act, 1894, for a 'Special railway project', Chapter IV-A incorporated in the Railways Act, 1989, empowered the Central Government to make acquisitions for execution of a 'Special railway project', while providing criteria for determination of market value, deposit and payment of amount, right to enter into the land subject

matter of acquisition, and for application of the National Rehabilitation and Resettlement Policy, 2007.

90. The entire Chapter IV-A, inserted by the Railways Amendment Act, 2008, is to be extracted hereinunder:-

> **“[CHAPTER IV-A:- LAND ACQUISITION FOR A SPECIAL RAILWAY PROJECT**
>
> **20-A. Power to acquire land, etc.—**
> (1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.
>
> (2) Every notification under sub-section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.
>
> (3) The State Government or the Union territory, as the case may be, shall for the purposes of this section, provide the details of the land records to the competent authority, whenever required.
>
> (4) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.
>
> **20-B. Power to enter for survey, etc.—**
> On the issue of a notification under sub-section (1) of section 20A, it shall be lawful for any person, authorised by the competent authority in this behalf, to—
>
> (a) make any inspection, survey, measurement, valuation or enquiry;
>
> (b) take levels;
>
> (c) dig or bore into sub-soil;
>
> (d) set out boundaries and intended lines of work;
>
> (e) mark such levels, boundaries and lines placing marks and cutting trenches; or
>
> (f) do such other acts or things as may be considered necessary by the competent authority.
>
> **20-C. Evaluation of damages during survey, measurement, etc. —**
> The damages caused while carrying out works on land such as survey,

digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under section 20B particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.

20-D. Hearing of objections, etc.—

(1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under sub-section (1) of section 20A, object to the acquisition of land for the purpose mentioned in that sub-section.

(2) Every objection under sub-section, (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961(25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

20-E. Declaration of acquisition.—

(1) Where no objection under sub-section (1) of section 20D has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-section (1) of section 20A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 20A for its acquisition, but no declaration under sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:
Provided that in computing the said period of one year, the period

during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 20A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

20-F. Determination of amount payable as compensation.—

(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided further that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.

(3) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(4) Before proceeding to determine the amount under sub-section (1) or sub-section (3), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 20D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (3) is not acceptable to

either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(8) The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (6), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 20A;

(b) the damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(9) In addition to the market-value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of sixty per centum on such market-value, in consideration of the compulsory nature of the acquisition.

20-G. Criterion for determination of market-value of land.—

(1) The competent authority shall adopt the following criteria in assessing and determining the market-value of the land,—

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899), for the registration of sale deeds in the area, where the land is situated; or

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years, where higher price has been paid, whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that:—

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of sub-section (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years where higher price has been paid, and the competent authority may calculate the value of the land accordingly.

(3) The competent authority shall, before assessing and determining the market-value of the land being acquired under this Act,—

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinity, for the purpose of determination of the market-value of the land being acquired.

(4) In determining the market-value of the building and other immovable property or assets attached to the land or building which are to be acquired, the competent authority may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the competent authority.

(5) The competent authority may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the competent authority may utilise the services of experienced persons in the field of agriculture as he considers necessary.

20-H. Deposit and payment of amount.—

(1) The amount determined under section 20F shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall

determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 20F by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 20-I till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

20-I Power to take possession.—

(1) Where any land has vested in the Central Government under sub-section (2) of section 20E, and the amount determined by the competent authority under section 20F with respect to such land has been deposited under sub-section (1) of section 20H with the competent authority by the Central Government, the competent authority may, by notice in writing, direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within a period of sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

(a) in case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;

(b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a district,

And such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

20-J. Right to enter into land where land has vested in Central Government.—

Where the land has vested in the Central Government under section 20E, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of the special railway project or part thereof or any other work connected therewith.

20-K. Competent authority to have certain powers of civil court. —

The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

20-L. Utilisation of land for the purpose it is acquired.—

(1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the Central Government.

(2) When any land or part thereof, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall return to the Central Government by reversion.

20-M. Sharing with landowners the difference in price of a land when transferred for a higher consideration.—

Whenever any land acquired under this Act is transferred to any person for a consideration, eighty per cent. of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the competent authority in such manner as may be prescribed by the Central Government.

20-N. Land Acquisition Act 1 of 1894 not to apply.—

Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.

20-O. Application of the National Rehabilitation and Resettlement Policy, 2007 to persons affected due to land acquisition.—

The provisions of the National Rehabilitation and Resettlement Policy, 2007 for project affected families, notified by the Government of India in the Ministry of Rural Development vide number F. 26011/4/2007-LRD dated the 31st October, 2007, shall apply in respect of acquisition of land by the Central Government under this Act.

20-P. Power to make rules in respect of matters in this Chapter. —

(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of appointment of arbitrator under sub-section (6) of section 20F;

(b) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of section 20H;

(c) the manner of maintenance and administration of separate fund for the purposes of section 20M.]

91. On a comparison of the aforesaid provisions with the scheme of the Land Acquisition Act, 1894, we may note that vesting of the acquired land is preponed in the Railways Act, 1989, with the publication of the declaration under sub-section (1) of Section 20-E, in a departure from Section 16 of the Land Acquisition Act, 1894 where vesting would take place only upon taking of possession by the Collector after making an award under Section 11, except in cases of urgency notified under Section 17(1) of the Act, 1894, where the right to object given to the land owners under Section 5-A would be dispensed with.

92. On a further comparison of the provisions of Section 20-F and the provisions of Act, 1894 in respect of determination of compensation, it may be noted that there is no departure

except for providing a mechanism of arbitration process in a case where the amount determined by the competent authority is not acceptable to either of the parties.

93. The parameters to be considered in determining compensation under Section 20-F(8), as compared to Section 23 of the Land Acquisition Act, 1894, are basic and comparable to the parameters provided therein to be considered by the Court, inasmuch as, the amount determined under the award passed under Section 11 of the Act, 1894 was considered as an offer given by the acquiring body, and challenge to the same by the acquiring body, as such, was not permissible under the 1894' Act.

94. Further, Section 20-F(9)can be compared to Section 23(2) of the Land Acquisition Act 1894, which reads as under :-

> **"23. Matters to be considered in determining compensation:-**
>
> (1)….
>
> (2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of thirty per centum] on such market-value, in consideration of the compulsory nature of the acquisition"

95. The language employed in both the provisions is virtually the same with the only difference that the Land Acquisition Act, 1894 provided to award a sum of 30% as solatium whereas Section 20-F(9) of the Railways Act, 1989 provides for 60% in consideration of the compulsory nature of acquisition.

96. Before embarking on further discussion for making comparison with the 2013 Act, we may note, at this juncture, the meaning of the expression "solatium" as construed by the Constitution Bench of the Apex Court in ***Sunder v. Union of India [(2001) 7 SCC 211].*** Relevant paras ‘21’ and ‘22’ thereof are to be noted:-

> *“**21.** It is apposite in this context to point out that during the enquiry contemplated under Section 11 of the Act the Collector has to consider the objections which any person interested has stated pursuant to the notice given to him. It may be possible that a person so interested would advance objections for highlighting his disinclination to part with the land acquired on account of a variety of grounds, such as sentimental or religious or psychological or traditional, etc. Section 24 emphasises that no amount on account of any disinclination of the person interested to part with the land shall be granted as compensation. That aspect is qualitatively different from the solatium which the legislature wanted to provide ‘in consideration of the compulsory nature of the acquisition’.*
>
> ***22.** Compulsory nature of acquisition is to be distinguished from voluntary sale or transfer. In the latter, the landowner has the widest advantage in finding out a would-be buyer and in negotiating with him regarding the sale price. Even in such negotiations or haggling, normally no landowner would bargain for any amount in consideration of his disinclination to part with the land. The mere fact that he is negotiating for sale of the land would show that he is willing to part with the land. The owner is free to settle terms of transfer and choose the buyer as also to appoint the point of time when he would be receiving consideration and parting with his title and possession over the land. But in the compulsory acquisition the landowner is deprived of the right and opportunity to negotiate and bargain for the sale price. It depends on what the Collector or the court fixes as per the provisions of the Act. The solatium envisaged in sub-section (2) “in consideration of the compulsory nature of the acquisition” is thus not the same as damages on account of the disinclination to part with the land acquired.”*

97. The Apex Court in **Tarsem Singh (supra)**, noticing the nature of solatium and referring to the law laid down in

Sundar (supra), has held that the concept of solatium is that it is paid to the landowner on account of the fact that the landowner, who may not be willing to part with his land, has to do so and that too at a value fixed legislatively and not through negotiation, by which, arguably, such landowner would get the best price for the property to be sold.

98. It is, thus, clear that 'solatium', which is part and parcel of the compensation, is payable in view of the compulsory acquisition of land and is to be distinguished from a voluntary sale or transfer where the owner is free to settle terms of transfer and choose the buyer, as also the point of time when he would be receiving compensation and parting with his title and possession of the land. As this opportunity to negotiate and bargain for the sale price and the time to part with the title and possession of the land has been taken away from the landowner in a compulsory acquisition, he is entitled to solatium as was envisaged in sub-section (2) of Section 23 of the Act, 1894 "in consideration of the compulsory nature of the acquisition".

99. Thus, we find that the Solatium @30%, the amount in addition to the market value as provided in sub-section (2) of Section 23 of the Land Acquisition Act, 1894, incorporated in the Railways Act 1989 by the Amendment Act 2008 has been raised to 60% in cases of acquisition of land for the execution of its 'Special railway projects'.

100. In other words, on a comparison of the provisions of two enactments, i.e. the Land Acquisition Act 1894 and the

Railways Act 1989 amended by the Act 2008, in the matter of determination of compensation, it is evident that solatium @ 60% in addition to the market value has been provided for, invariably to be paid to the landowners in consideration of the compulsory nature of acquisition for a ‘Special railway project’, in place of 30% as was earlier payable for the same project under the Land Acquisition Act, 1894.

101. With the above historical background of two enactments holding the field of land acquisition for railway projects prior to the Amendment Act 2008 and subsequent thereto, when we look to the provisions of the Act’ 2013 came into force w.e.f. 01.01.2014, in the matter of the determination of compensation, admittedly even for acquisition of land for a ‘Special railway project’, as noted hereinbefore, the 2013 Act is a major departure from the regime of the Land Acquisition Act 1894, which was a general law relating to acquisition of land for public purposes.

102. From the Statement of Objects and Reasons of the 2013 Act, the Act had been proposed as a unified legislation dealing with the acquisition of land providing for just and fair compensation and making adequate provision for a rehabilitation and resettlement mechanism for affected persons and their families.

103. While making provisions in the RFCTLARR Act 2013, the legislature has also incorporated other Central enactments dealing with land acquisition enlisted in the Fourth Schedule, with respect to which the provisions of the 2013 Act could be

applied by notification of the Central Government. The Central Government notification dated 28.08.2015 provided for the application of the provisions of the RFCTLARR Act 2013 relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement in accordance with the Second Schedule, and further infrastructure amenities in accordance with the Third Schedule to all cases of land acquisition under the enactments specified in the Fourth Schedule of the Act 2013.

104. Meaning thereby, a unified procedure in the matter of determination of compensation in accordance with the First Schedule of the Act’ 2013 has been applied to cases of acquisition under the Railways Act' 1989 included at item No. ‘13’ in the Fourth Schedule.

105. As a result, all the monetary benefits under the provisions of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (2013 Act) relating to determination of compensation in accordance with the First schedule including solatium equal to 100% of the compensation amount (as per Section 30(1)) are payable as components of compensation package in respect of land acquired under the Railways Act, 1989.

106. There is no dispute about the fact that the compensation amount determined under the awards with respect to the land in question, in the present case, is in line with the First Schedule of the Act, 2013.

107. The only issue for our consideration is as to whether the 60% of solatium amount provided in Section 20-F(9) is payable in addition to the solatium of 100% already determined as per the First Schedule (Section 30(1) of the 2013 Act; or the said 60% amount under Section 20-F(9) of the Railways Act, 1989 would be considered to have been subsumed in Section 30(1) of the later legislation, namely the 2013 Act, in the matter relating to determination of compensation for acquisition of land for a ‘Special railway project’ under Chapter IV-A of the Railways Act, 1989.

108. Much emphasis has been laid on the phraseology of Section 103 of the Act, 2013 to submit that the said later legislation facilitates adequate borrowing from other enactments, and in order to give complete effect to the provisions of the Act, 2013 in cases of acquisitions under other enactments (specified in the Fourth Schedule of the said Act), the beneficial provisions of other enactments pertaining to the determination of compensation are to be borrowed and applied.

109. It was vehemently urged that any contrary view which may result in denial of benefits of Section 20-F(9) of the Railways Act, 1989 would render the said provision otiose and redundant. For giving full effect to the object and purpose of the Railways Act, 1989, which incorporates a special provision pertaining to acquisition of land for ‘Special railway project’, the provisions of Sections 20-F(9) and 20-O shall have to be borrowed and applied during the process of determination of

compensation and rehabilitation and resettlement, for the lands acquired for a 'Special railway project' and be considered to have been incorporated under the Act' 2013 by such borrowing to provide additional benefits.

110. The submission is that there is no inconsistency nor the two enactments, namely the Railways Act, 1989 and the RFCTLARR Act, 2013; they cannot be said to be competing legislations and hence, the Court has to make all efforts to reconcile by reading them as independent legislations pertaining to the field and borrowing from each other in case of acquisition for 'Special railway project'. For acquisitions under the Railways Act, 1989, other than for 'Special railway project', however, as there is no application of Chapter IV-A, the provisions of the Act, 2013 will continue to hold the field.

111. Dealing with this submission of the learned counsel for the petitioners, looking to the history of the aforesaid three legislations operating in the field of acquisition from time to time, when we consider the provisions of Section 20-F(9), the same is to be interpreted on the text and context of the provisions itself. From the text, which is the texture of the said provisions, it may be safely concluded that the sum of 60% on the market value of the land determined by the competent authority, provided therein, is nothing but solatium, payable to the landowners, in consideration of the compulsory nature of acquisition. [as held in ***Sundar (supra)***].

112. Now looking to the context in which, the said provision has been incorporated under Section 20-F(9) contained in Chapter IV-A by the Railway (Amendment) Act with effect from 31.01.2018, we find that while incorporating the said chapter providing for expeditious process of acquisition for 'Special railway project' under the Railways Act, 1989, the legislation felt a need to provide a higher amount as solatium than that was payable under Section 23(2) of the Land Acquisition Act, 1894, under which the land acquisition proceedings for the railway projects were being conducted prior to the amendment of 2008.

113. The Statement of Objects and Reasons of the Railways (Amendment) Act, 2008 further substantiates our view, when it states that the only instrument available for acquisition of land for public purpose was the Land Acquisition Act, 1894 and the provisions of the said enactment were insufficient for completion of railway projects on an expeditious basis in a time scheduled manner.

114. Thus, while providing a mechanism for land acquisition for a 'Special railway project' under Chapter IV-A, the legislature excluded the provisions of the Land Acquisition Act, 1894 and enacted a special provision for the acquisition of land for such projects, providing for a speedy mechanism and higher compensation as solatium.

115. However, with the major transformation brought in the field of land acquisition, determination of compensation, and the rehabilitation and resettlement mechanism, by the

RFCTLARR Act, 2013 and the notification dated 28.08.2015 issued by the Central Government thereunder, applying the provisions of the RFCTLARR Act, 2013 to other enactments, higher benefits prescribed in the Act, 2013 will be available to the land owners whose lands are acquired under any of the enactments specified in the Fourth Schedule of the Act, 2013.

116. The phraseology "in addition to and not in derogation of" any other law for the time being in force, is to be read and understood to mean that the provisions of the RFCTLARR Act, 2013 would give way to the higher benefits, if any, are provided in other enactments or policy covering the field of determination of compensation, rehabilitation, and resettlement of affected persons in Land Acquisition, whether specified in the Fourth Schedule of the 2013 Act or not.

117. This opinion drawn by us can be substantiated from the language employed in Sections 106, 107 and 108 of the Act, 2013, which provide that there cannot be any reduction in the compensation or dilution of the provisions relating to compensation, rehabilitation, and resettlement in cases of any amendment or alteration brought in any of the schedules to the Act by the Central Government; and the State Legislature is free to enact more beneficial provisions to the affected families, which confer higher compensation than payable under the Act, 2013, or to make provisions for rehabilitation and resettlement, which is more beneficial than provided under the Act, 2013; the affected families will have the option to avail such higher compensation than rehabilitation and

resettlement awards under such law or said policy of the State.

118. A conjoint reading of Sections 103, 105, 106, 107, and 108 of the Act, 2013 clearly indicates that while providing for three schedules pertaining to the benefits of compensation and resettlement and rehabilitation scheme for affected families under the Act, 2013, the Parliament has left it open for any State Legislature or the Central and State Government to provide benefits higher than that provided under the Act, 2013 by framing a law or a policy.

119. The Central Government has been conferred the power to make amendments or alterations to any of the Four Schedules (First to Fourth) of the Act, 2013, with a caveat that the same shall not, in any way, reduce the compensation or dilute the provisions of the Act relating to compensation or rehabilitation and resettlement.

120. With this analysis of the enactments, we reach at an irresistible conclusion that out of the benefits incorporated in the two Central enactments, namely the Railways Act, 1989 (amended w.e.f. 31.01.2008) and the Act, 2013 (brought w.e.f. 01.01.2014), higher benefits under two enactments pertaining to compensation, rehabilitation, and resettlement shall be available to the landowners whose lands are acquired under the provisions of Chapter IV-A of the Railways Act, 1989 for a ‘Special railway project’, notified by the Central Government.

121. However, the landowners cannot claim the benefits of both the provisions simultaneously, on the plea of borrowing of Section 20-F(9) into the Act, 2013 by virtue of Section 103 of the said Act.

122. The arguments of the learned counsel for the petitioners that the petitioners are entitled to 60% of additional amount as per Section 20-F(9) in addition to the benefits of solatium provided under Section 30(1) of the Act, 2013 and already granted to the petitioners under the award with respect to their lands, are found to be misconceived and hence, rejected.

123. It is held, and as admitted to the respondent, that the provisions relating to determination of compensation of acquired land and rehabilitation and resettlement under Chapter IV-A of the Railways Act, 1989 inserted by the Act 11 of 2008 w.e.f. 31.01.2008, are replaced by the provisions pertaining to determination of compensation under Sections 26 to 30 of Act, 2013 by virtue of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015 issued by the Central Government w.e.f. 01.09.2015 in exercise of the power conferred by sub-section (1) of Section 113 of the RFCTLARR Act, 2013, in the matter of determination of market value, solatium, interest, etc. incorporated in the First Schedule and also the provisions for rehabilitation and resettlement, etc. under the Second and Third Schedules.

124. The award having been rendered in accordance with Sections 26 to 30 of Act, 2013 in view of the Removal of

Difficulties Order, 2015 issued by the Central Government by notification dated 28.08.2015, the award of solatium @ 100% as per Section 30(1) of the Act, 2013 is a valid exercise of power by the competent authority. The additional amount of 60% on the market value as per Section 20-F(9) of the Railways Act, 1989, as claimed is not payable over and above the solatium awarded by virtue of Section 30(1) of the Act, 2013, as the same has been subsumed under the said provisions of 2013 Act.

125. We are also of the view that the provisions of Section 30(3) of the Act, 2013 providing for 12% additional compensation on the market value provided under Section 26 for the period commencing on and from the date of the first notification till the date of award of the Collector or the date of taking possession of land, whichever is earlier, are also available to the landowners whose lands are acquired under Chapter IV-A of the Railways Act, 1989, and the additional compensation of 12% on the multiplication Factor 2 is also payable to the petitioners.

126. The third question before us is about computation of 12% additional compensation on multiplication Factor 2, determined under sub-section (2) of Section 26 as specified in the First Schedule, as the same has been denied to the petitioners herein and 12% additional compensation has been calculated only on the basic market value determined as per Section 26(1) of the Act, 2013.

127. In this regard, we may simply note that by two judgments rendered by us of same date, i.e. on 23.12.2015 in Special Civil Application No.7561 of 2023 with allied matters and Special Civil Application No.15262 of 2025, the question adjudicated was "*whether the additional amount of compensation calculated at the rate of 12% payable under Section 30(3) of Act, 2013 on the market value of the land determined under Section 26 shall be computed on the multiplication Factor 2 as per sub-section (2) of Section 26 of Act, 2013, applied on the market value determined as per sub-section 1 of Section 26 of the Act, 2013, has been decided in favour of the landowners*".

128. It is held therein that the landowners are entitled to the additional compensation @12% to be computed on the market value by application of multiplication Factor 2 as per Section 26(2) of the Act, 2013. In the facts of that case, it was held payable from the date of Section 3A notification under the National Highways Act, 1956 till the date of making of the original award, inasmuch as, possession of the acquired lands therein had been taken after declaration of the award and payment of compensation thereunder.

129. However, it is brought to our notice that the aforesaid judgment and order dated 23.12.2025 passed in Special Civil Application No.7561 of 2013, has been subjected to challenge in Special Leave to Appeal (Civil) No(s).13705 of 2026 before the Apex Court, wherein the operation of the impugned judgment has been stayed subject to payment of the undisputed amount by the NHAI.

130. We, thus, find it fit and proper to only record that since the third legal issue formulated herein covered by the judgment and order dated 23.12.2015, is *sub-judice* before the Apex Court, we should desist from making any further adjudication in the case of the present petitioners herein. On the issue No.(iii), formulated in para '1' of this judgment, permission is, thus, granted to all the petitioners in the present batch of writ petitions, to withdraw the said relief with the liberty to revive in a fresh petition after the final decision of the Apex Court.

131. Lastly, on issue No.(ii) on the applicability of Section 20-O of the Railways Act, 1989 for granting the benefit of the National Rehabilitation and Resettlement Policy, 2007 incorporated therein, suffice it to say that the objective of the National Policy, 2007 to extend rehabilitation and resettlement to the Project affected parties has now been included in the Second Schedule of the Act, 2013 and in case of a resettlement and rehabilitation scheme prepared for the particular acquisition, the Third Schedule of the Act, 2013 will also be looked into.

132. We may reiterate that the Second and Third Schedules of the Act, 2013, being applied by the Removal of Difficulties Order, 2015 notified under the notification dated 28.08.2015 to the acquisitions for a 'Special Railway Project' under Chapter IV-A of the Railways Act, 1989, the provisions of Sections 31 to 38 as contained in Chapter V of the Act, 2013, shall have to be invoked for preparation of the rehabilitation

and resettlement award and the payment of monetary compensation calculated therein, if any.

133. For the declaration of a rehabilitation and resettlement award under Section 31, however, there is a need for the preparation of a rehabilitation and resettlement scheme by the Administrator, defined in Section 3(a) and is to be approved by the Commissioner defined in Section 2(h), appointed under Sections 43 and 44 as contained in Chapter VI of the Act, 2013; respectively. It seems that no such scheme has been framed and notified in the present acquisition.

134. However, in view of the prayer made by the petitioners herein for the benefits of National Rehabilitation Policy of 2007, it is stated in the affidavit dated 16.12.2025 filed on behalf of respondent No.3 that a decision has been taken by the Railway Board, circulated vide RBE No. 193/2019, to pay a lump sum compensation of Rs.5,00,000/- to the affected families, who are primarily dependent on the acquired land for their livelihood, or where the entire landholding of the affected family has been acquired, as part of the rehabilitation and resettlement scheme.

135. The said circular of the Railway Board under the Ministry of Railways, Government of India, dated 11.11.2019 providing for the modalities for the implementation of Serial No.4 of the Second Schedule of the RFCTLARR Act, 2013, “the choice of annuity or employment”, as per the decision of the Ministry of Railways, read as under:-

> *"2. The modalities for implementation of Serial No. 4 of the Second schedule of the RFCTLARR Act 2013 were examined by Ministry of Railways and it has been decided that:*
>
> *i. Ministry of Railways' earlier policy of offering appointment in Railways to affected land-losers issued vide references above is withdrawn and circulars issued in this regard vide reference above stand superseded.*
>
> *ii. Lump sum payment of Rs. 5 Lakhs to be provided to affected families who were* ***primarily dependent on acquired land for livelihood,*** *i.e., cases where their livelihood is affected by such acquisition or where entire land-holding of the affected family have been acquired.*

136. It further provides the methodology for payment as under:-

> *"3. Before considering grant of any relief under Second Schedule, however, the Competent Authority for Land Acquisition (CALA) or Collector should unequivocally certify that the affected family has been displaced and dislocated to another area or their entire land holding has been acquired. Further, in case of joint ownership of a plot of land, lump sum payment of Rs. 5 Lakhs should be shared between joint owners of plot in same ratio in which land value is to be shared.*
>
> *4. This may be brought to the notice of all concerned authorities dealing with the acquisition of land and ensure that all determination of compensation for acquisition of land under the Railways Act, 1989 are in consonance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013.*
>
> *5. This policy shall be effective from the date of issue of this letter.*
>
> *6. This issues with the concurrence of Finance and approval of the Competent Authority."*

137. In the instant case, it is evident that the provisions of the Act, 2013 pertaining to the preparation of a rehabilitation and resettlement scheme have not been followed, inasmuch as, no scheme was framed by the Administrator under Section 16 of the 2013 Act, and, as such, no award under Section 31 has been made. However, since the present set of writ petitions

have been filed in the month of October, 2025 much after the land acquisition proceedings with the making of the award dated 31.07.2025 under Section 20-F of the Railways Act, 1989 read with Sections 26 to 30 of the Act, 2013 have been concluded, we are afraid to accept the prayer of the petitioners to grant any other benefit than that has been provided under the Railway Board circular, towards rehabilitation and resettlement compensation.

138. In light of the above Railway Board circular brought on record by the respondent Railways, it is hereby provided that the lump sum rehabilitation and resettlement compensation payable under the said circular shall be paid to the petitioners herein after due verification of their entitlement.

139. However, for all future projects of the Railways, including for a ‘Special Railway Project’, it would be incumbent upon the competent authority / Collector to follow the procedure contained in the provisions of Sections 16 to 19 under Chapter IV of 2013 Act for the preparation, approval and publication of the rehabilitation and resettlement scheme, and pass a rehabilitation and resettlement award under Section 31, in case, the landowners are found entitled to the benefits of the Second and Third Schedules, and strictly follow the provisions of Section 38 in the matter of taking possession of such lands.

140. In view of the above, the three questions formulated by us hereinabove are answered in the following manner:-

I. Question No.(i) is answered in the **NEGATIVE**.

II. Question No.(ii) is answered to the extent of the observations made hereinabove, with the aid of the Railway Board Circular dated 11.11.2019.

III. Question No.(iii) is left open to be agitated by all the petitioners herein, at the appropriate point of time after decision of the Apex Court.

141. This judgment be circulated to the Chief Secretary and Additional Chief Secretary, Revenue Department of the State, to take appropriate steps for preparation of Rehabilitation and resettlement Scheme under Sections 16 to 19 of the 2013 Act, by appointment of the Administrator and Commissioner as per Sections 43 and 44 of the Act' 2013, in consultation with the appropriate Government, which is the Central Government, in future, in the acquisitions for a "Special railway projects" under the Railways Act, 1989.

142. With the above, the present set of writ petitions stand disposed of. No order as to costs.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER