

The Land Acquisition (East Punjab Amendment) Act, 1948

February 18, 2013

East Punjab Act 15 of 1948

Received the assent of His Excellency the Governor on the 8th April, 1948 and was first published in the East Punjab Government Gazette (Extra.), dated the 10th April, 1948.

An Act to amend the Land Acquisition Act, 1894, in its application to the East Punjab.

It is hereby enacted as follows : –

NOTE

Statement of Objects and Reasons. – Under Section 31(1) of the Land Acquisition Act, 1894, the Collector is bound to tender payment of compensation awarded by him for land acquired for a public purpose to the persons interested entitled thereto according to the award, and to pay it to them, unless prevented by one or more of contingencies mentioned in sub-section (2), which does not include the contingency of an order by a civil court; but cases have occurred in which the money awarded has been attached by subordinate civil courts for the satisfaction of decrees. Such attachments involve Government in some avoidable litigation.

It is unfair that whereas the estate is protected from attachment, the price of that estate, when it is compulsorily acquired for a public purpose, should have no such protection. This Bill is intended to exempt the compensation awarded under the Land Acquisition Act, from attachment. (vide Punjab Government Gazette Extraordinary, dated the 6th March, 1948, Page 179).



1. Short title: –

This Act may be called The Land Acquisition (East Punjab Amendment) Act, 1948.

2. Insertion of section 52-A in Act 1 of 1894. –

After section 52 of Land Acquisition Act, 1894, the following section shall be deemed to be inserted, namely: –

52-A. Protection of compensation: – No compensation awarded or awardable under this Act: –

(a) Before its actually paid to the person entitled to receive the same; or

(b) Before it is actually paid to the person entitled to receive the same in respect of any land which is not liable under the law for the time being in force to attachment or sale in execution of decree or order of any Court,

shall be liable to seizure, attachment or sequestration by process of any Court, at the instance of a creditor, of any demand against the person entitled to compensation, or in satisfaction of a decree or order of any Court, and, notwithstanding anything to the contrary in any law for the time being in force, neither the official assignee nor any receiver appointed under any law shall be entitled to proceed against or to have any claim on any such compensation.

