

(2004) 03 AHC CK 0199
In the Allahabad High Court
Case No : C.M.W.P. No. 33775 of 1999

Bhupendra Singh	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 10-03-2004

Acts Referred:

Land Acquisition Act, 1894 — Section 17, 4

Citation : (2004) 2 AWC 1870 : (2006) 100 RD 770

Hon'ble Judges : R.S. Tripathi, J;M. Katju, J

Bench : Division Bench

Advocate : Ravi Kant, for the Appellant; Sunita Agarwal and Dilip Gupta, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and R. S. Tripathi, JJ.—None appears to press this petition.

2. Notification under Sections 4 and 17 of the Land Acquisition Act (hereinafter referred to as the Act) was issued on 2.2.1998 and notification u/s 6 of the Act was issued on 16.3.1999. Possession of the land in dispute was taken on 4.8.1999. Before that 80% of the estimated compensation was deposited u/s 17(3A) of the Act. The acquisition is for the purposes of housing colony. It has been held in *Khacheru Singh v. Development Authority, Moradabad* and *Ors. 1989 AWC 1376* and *State of U.P. Vs. Smt. Pista Devi and Others*, etc. that where the land is being acquired for housing, it is a public purpose and there is urgency.

3. In *Urban Improvement Trust, Udaipur Vs. Bheru Lal and Others*, , it has been held that merely because of some delay, the Notification cannot be set aside. In *Ramniklal N. Bhutta and another Vs. State of Maharashtra and others*, The Supreme Court has held that the Court should keep the larger public interest in mind while exercising powers under Article 226 of the Constitution in the petitions challenging the proceedings under Land Acquisition Act. In *H.M.*

Kelogirao and Others Vs. Govt. of A.P. and Others, it was held that where the land was acquired after Notification u/s 4(1) and declaration u/s 6 and the land stood vested in State free from all encumbrances, the proceedings cannot be quashed.

4. For the reasons given above, this petition is dismissed and the interim order, if any, of this Court is hereby, vacated.