
(1992) 02 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11957 of 1990

Bishamber Dayal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 10-02-1992

Acts Referred:

Citation : (1992) 2 LJR 720 : (1992) PLJ 262 : (1992) 2 RRR 417

Hon'ble Judges : J.L.Gupta, J

Advocate : Jaswant Singh, Advocate, H.S. Gill, Advocate., Advocates for appearing Parties

Judgement

J.L. Gupta, J. (Oral)

1. The petitioners, who were landowners in the revenue estate of Village Khatoti, Tehsil Narnaul, claim that the authorities of the Irrigation Department occupied their land in the year 1975 for construction of a "Bandh" without even acquiring it. They further claim that no compensation has been paid to them in spite of repeated representations. It is also averred that notifications under Sections 4 and 6 of the Land Acquisition Act were issued on February 2, 1987 and February 3, 1988. However, no award having been made within two years from the date of the publication, the entire proceedings shall be deemed to have lapsed.

2. A short affidavit dated April 15, 1991 has been filed by Mr. D.D Arora, Sub Divisional Officer on behalf of the respondents. It has been inter alia averred that "no award in respect of the land sought to be acquired in this case has so far been given by the Land Acquisition Collector, Narnaul. Since a period of two years has expired from the date of publication of notification under Section 6, the entire proceedings for the acquisition of land have lapsed in terms of Section 11A of Act... "

3. In this view of the matter, it is apparent that so far as the prayer of the petitioners for quashing the notifications under Sections 4 and 6 is concerned, the needful has happened by lapse of time. The petition in that behalf has

become infructuous.

4. As far as the petitioners' claim with regard to payment of compensation is concerned, the respondents have not filed any reply. Accordingly, it is to be assumed that the respondents took possession of the land of the petitioners in the year 1975. The petitioners are entitled to the payment of compensation for unauthorised occupation of their property by the respondents. The petitioners undertake to make an application to the competent authority within one month from today. The appropriate authority shall consider and decide their claim within 3 months in accordance with law. The writ petition is accordingly disposed of. In the circumstances of the case, there will be no order as to costs.