

(2001) 01 P&H CK 0084
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 15919 of 1998

Dalel Singh and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 30-01-2001

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6

Citation : (2002) 3 RCR(Civil) 295

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : M.S. Jain and Vikas Jain, for the Appellant; Palika Monga, A.A.G., Haryana, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioners pray that the notifications dated 22.7.1996 and 17.7.1997, copies of which have been produced as An-nexure P-2 and P-3 with the writ petition, be quashed. These notifications were issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short "the Act"). By these notifications, land measuring 57 acres was acquired. The petitioners complain that the notifications were not published in conformity with the provisions of Sections 4 and 6. Thus, they should be quashed.

2. We have heard Mr. M.S. Jain, Senior Advocate, who has appeared on behalf of the petitioners. He contends that the publication was not in conformity with the provisions of law. Secondly, it has been submitted that Civil Writ Petition No. 16743 of 1998, relating to the same notifications, is already pending in this Court. Thus, even this petition should be admitted.

3. Ms. Palika Monga, appearing for the respondents, has controverted the claim made on behalf of the petitioners.

4. As per the first contention, it is the petitioners' own case as pleaded in the replication that the notification dated 22.7.1996, which had been issued u/s 4,

was published in the locality vide Daily Diary Report dated 2.8.1996. It was published in the Indian Express on 3.8.1996. Thereafter, it was published in Hindi Newspaper "Dainik Mewat" on 7.8.1996. In our view, this publication was in complete conformity with the provisions of Section 4.

5. Mr. Jain submits that the publication of the notification u/s 6 does not conform to the requirement of the provisions.

6. Again, a reference to the replication filed by the petitioners shows that the notification was published in the Gazette on 17.7.1997. It was published in the area on 21.7.1997. It appeared in the Hindi Newspaper "J.V.G. Times" on 30.7.1997 and "The Pioneer" on 31.7.1997. Mr. Jain points out that he has no heard of "J.V.G.Times".

7. It may be so. There is a mushroom growth of newspapers in the country. But nothing has been placed on record to show that it is not circulated in the locality. In this situation, we are satisfied that there was compliance with the requirements of law.

8. Mr. Jain submits that copies of the Daily Dairy Reports having not been produced, it cannot be said that requirements of law have been complied with.

9. We are unable to accept this contention. In the affidavit filed on behalf of respondent No.2, it has been categorically averred by the Land Acquisition Collector that the notifications were duly publicised in the area. It has also been sated that the village Chowkidar Dhani Ram had announced the notification by beat of drum. The copies were also pasted on the Notice board of the Tehsil office and Patwar Khana. It was only thereafter that the report was recorded in the roznamcha. The specific averments with regard to the announcement by the beat of drum, etc. have not been controverted in the replication. In this situation, we cannot say that there was no publicity in the area.

10. In view of the above, the first contention raised on behalf of the petitioners is rejected.

11. As per the second submissions, learned counsel submits that the petition with regard to the same notifications has been admitted. Thus, even this petition deserves to be admitted.

12. We are unable to accept the contention. Firstly, it is the admitted position that by the impugned notifications, land in various villages was acquired. So far as CWP No. 16743 of 1998 is concerned, the land in village Khandsa was involved. The writ petition, on the petitioners' own showing was admitted in March, 1999. What was the precise contention? What was the factual position? There is nothing on the record of this case to show that the issues were identical. In any event, the contentions raised in this petition having been considered by us at length, the mere admission of another writ petition does not constitute a binding precedent so as to compel us to admit this writ petition.

13. No other point has been raised.

14. In view of the above, we find no merit in this writ petition which is, consequently, dismissed. No costs.