
(1992) 02 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : M.P. No. 10733 of 1991

Dayal Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 04-02-1992

Acts Referred:

Citation : (1992) 2 LJR 728 : (1992) PLJ 290 : (1992) 2 RRR 419

Hon'ble Judges : H.S.Bedi, J

Advocate : C.B. Goal, Advocate, C.B. Kaushik, Advocate., Advocates for appearing Parties

Judgement

H.S. Bedi, J.—The petitioner purchased a plot measuring about 400 sq. yards in Khasra No. 1407/2/1 situated opposite Jawahar Nagar, Karnal, within the municipal limits of Karnal vide sale deed dated 30.1.1989 from its previous owners Shri Kamal Kumar etc." The Kamal Improvement Trust (hereinafter called the "Trust") apparently had framed a scheme known as Scheme No. 12 which had been duly sanctioned in exercise of the powers conferred under Section 41(1) of the Punjab Town Improvement Act, 1922, vide notification dated 10th April, 1966, which was published in the Gazette dated 3rd June, 1966, copy Annexure P1 to the petition. The plot so purchased by the petitioner was also included in the aforesaid Scheme. The predecessors in interest of the petitioner submitted an application dated 12th August, 1987, for getting information as to whether their plot included in the area for which the Scheme had been sanctioned. As the predecessors in interest had received no reply nor any compensation, for about twenty years they decided to dispose of the aforesaid plot and on enquiry, were told vide order Annexure P2 that the land in question would not be acquired in Scheme No. 12. It appears that this information was conveyed as the Trust in its meeting held on 3.2.1967 had resolved vide Resolution No. 9 appended as Annexure P3 to the petition that Scheme No. 12 be dropped. It has been urged by the counsel for the petitioner that by virtue of Section 11A of the Land Acquisition Act, as amended in 1984, (hereinafter called "the Act") an award had to be made within a period of two years from the date

of such commencement and as the award admittedly had not been made, the proceedings were liable to lapse. It has been conceded before me that the provisions of Sections 6 and 11A of the Act are applicable to proceeding for acquisition of land under the Town Improvement Act. It appears that in the meantime the petitioner had also submitted a plan for sanction to make some construction on the site in question and vide Annexure P5 dated 18th December, 1990, the plan was rejected on the ground that it was shown as a park in Scheme No. 12 framed by the Improvement Trust, Karnal.

2. In reply to the assertions made by the petitioner, a written reply has been filed on behalf of respondents 2 and 3 and the stand taken is that the resolution of the Trust dropping the Scheme was not in accordance with the law as it had been passed without the sanction of the Government and, as such, the said Scheme continued to hold good.

3. After hearing counsel for the parties, I find that the petition deserves to succeed. It is the admitted case that the award in pursuance of the notification Annexure P1 has not been rendered till today and, as such, the proceedings for the acquisition of land for Scheme No. 12 qua the petitioners are required to lapse by virtue of Section 11A of the Act. In this view of the matter, the order rejecting the application for sanction of the building plan vide Annexure P5 cannot be sustained. The present writ petition is therefore allowed and Annexure P5 is quashed. The respondents are directed to sanction the plan submitted by the petitioner within a period of one month from the date this order is communicated to them. There will however be no order as to costs.