
(2011) 03 P&H CK 0196
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4278 of 1991

Dharam Pal and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 5A, 6

Citation : (2011) 03 P&H CK 0196

Hon'ble Judges : Rakesh Kumar Garg, J; Jasbir Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Jasbir Singh, J.—This order will dispose of CWP Nos. 4278, 4445, 5627, 6024, 6076 of 1991 involving similar question of law and facts. For facility of reference, facts are being taken from CWP No. 4278 of 1991.

2. Heard counsel for the parties.

3. By filing the above said writ petitions, the Petitioners have laid challenge to the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short, the Act) on 10.6.1988 and 7.6.1989 ordering acquisition of a vast tract of land, including land owned by the Petitioners.

4. Admittedly, in this case award was passed on 20.3.1991. CWP Nos. 4445, 5627, 6024 and 6076 of 1991 were filed after the passing of that award. In view of judgment of the Hon'ble Supreme Court in Sawaran Lata etc. Vs. State of Haryana and Others, , these writ petitions cannot be entertained.

5. So far as CWP No. 4278 of 1991 is concerned, it has come on record that at the time when notification u/s 4 of the Act was issued, the land was lying vacant and further the Petitioners therein have not filed any objections u/s 5-A of the Act. If that is so, in view of ratio of judgment of the Hon'ble Supreme Court in Delhi Administration Vs. Gurdip Singh Uban and Others etc., , this writ petition is

not maintainable. Otherwise also, at the time of arguments, counsel for the Petitioners has failed to make out any case of discrimination in acquiring the land. Acquisition qua some part of this land was also upheld on 18.1.2011 by passing an order in Asha Garg and Anr. v. State of Haryana and Anr. CWP No. 14307 of 1990

6. In view of facts mentioned above, all the writ petitions stand dismissed.