

(2000) 05 RAJ CK 0055
In the Rajasthan High Court
Case No : Civil Writ Petition No. 619 of 1998

Gajraj Singh and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-05-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 88 FLR 40 : (2001) 1 RLW 134 : (2000) 3 WLC 263 : (2000) 3 WLN 425

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Advocate : D.S. Shishodia and Manish Shishodia, for the Appellant; B.C. Mehta, for the Respondent

Judgement

Shethna, J.

- (1). Heard the learned counsel for the parties.
- (2). The only objection raised by the learned counsel Mr. Mehta for the respondents is that there is a gross delay of about 4-5 years in filing the writ petition after the provisional award was declared.
- (3). Time and again, Court as well as the Hon"ble Supreme Court has held that atleast the State Government should not raise such technical plea. The substantial justice should be done and not technical one by the Court.
- (4). Innocuous prayer is made by the petitioner that the respondents be directed to honour the provisions awards Annex. 1 to 4 as affirmed by the final awards Annex. 5 to 8 immediately by directing the State Government to pay the compensation amount accordingly with interest over and above amount awarded at the rate of 18%.
- (5). It is known fact that 90% population of our country is living below the poverty line and when the poor agriculturists loose their only source of livelihood

i.e. land on acquisition, then it is not expected of them to approach immediately the Court by way of writ petition. The objection regarding delay raised by learned counsel Mr. Mehta for the respondents does not lie good in his mouth, particularly, when initially the provisional awards were passed and later on final awards were passed.

(6). In view of the above discussion, this petition is allowed, the respondent State Government is directed to pay the compensation amount as per the final awards at Annex. 5 to 8 with 15% interest on or before 30.9.2000.