
(2000) 04 RAJ CK 0017
In the Rajasthan High Court
Case No : Civil Special Appeal No. 173 of 2000

Hazari Singh

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 27-04-2000

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2000) 2 WLN 227

Hon'ble Judges : Rajesh Balia, J; Mohd. Yamin, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Rajesh Balia, J.—Learned counsel for the appellant commenced his arguments by stating that he does not challenge the validity of the land acquisition proceedings, but wanted to press his claim of determination of his compensation in accordance with the provision of Land Acquisition Act only. However on enquiry it was revealed that in fact the applicant has made an application for making a reference against the award of compensation by the Land Acquisition Officer and that application is rejected as barred by time. The order rejecting the application for reference was not the subject matter of the writ petition which could now be considered in this appeal. The petitioner-appellant has an independent remedy to challenge the determination of the compensation under acquisition proceedings if he is dissatisfied with the award. Ordinarily he should pursue the remedies in respect of grievance regarding amount of compensation under the provisions of Land Acquisition Act and he cannot be permitted to invite interference under the extraordinary jurisdiction directly. So far as the question of examining the validity of the order rejecting reference, that being not the subject matter of the writ petition, cannot be considered in this appeal. For this, appellant is free to prosecute his remedies as are available to him in accordance with law. We express no opinion on the merit.

2. Faced with this, learned Counsel returned to his challenge to acquisition

proceedings. We find that learned Single Judge has not thought it fit to enter into merits of the acquisition proceedings on the ground that notification u/s 4 and declaration u/s 6 have already been issued on 23.10.1981 and 17.2.1983 respectively and award was also made about one and half years before filing of the writ petition. The petition was considered to be suffering from gross delay and laches therefore the Court has not considered it sound to exercise its discretion under extraordinary jurisdiction to entertain the petition on merit.

3. We are in agreement with the conclusion arrived at by the learned Single Judge.

4. According this appeal fails and is hereby dismissed in limine.