
(1985) 05 P&H CK 0042

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 2131 of 1976

Jodh Singh and Others

APPELLANT

Vs

The Jullundur Improvement Trust, Jullundur and Others

RESPONDENT

Date of Decision : 02-05-1985

Acts Referred:

Punjab Town Improvement Act, 1922 — Section 40, 42(2)

Citation : AIR 1986 P&H 158

Hon'ble Judges : S.P. Goyal, J;D.S. Tewatia, J

Bench : Division Bench

Judgement

D.S. Tewatia, J.—The case made out by the petitioners herein is that he submitted his objections against the acquisition of his property under S. 40 of the Punjab Town Improvement Act (hereinafter referred to as the Act) and that without considering his objections the sanction of the scheme had been notified under sub-sec (2) of S. 42 of the Act, that the sanction so accorded is vitiated and, therefore, so far as the petitioners is concerned, the said sanction be quashed.

2. In the return filed on behalf of the respondent-Trust, it has been admitted that the objections filed by the petitioners got misplaced and, therefore, answering respondent being not in the know of any such objections obviously did not require the petitioners to appear for personal hearing.

3. Counsel appearing for the Trust has fairly conceded to the quashing of the notification sanctioning the scheme in terms of sub-sec,. (2) of S. 42 of the Act so far as it concerns the petitioners.

4. In view of the ratio of the Full Bench in Jodh Singh and Others Vs. Jullundur Improvement Trust, Jullundur and Others, we quash the impugned notification issued under S. 42(2) in so far as it concerns the petitioners property and direct the Improvement Trust to consider the objections filed by the petitioners after affording him due opportunity of hearing.

5. For the reasons aforementioned, this petition is allowed to the extent indicated with costs which are assessed at Rs. 200/-

6. Petition allowed.