

(1993) 12 P&H CK 0013
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 838 of 1993

Karnail Singh and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 13-12-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1993) 105 PLR 598

Hon'ble Judges : M.S. Liberhan, J; H.S. Brar, J

Bench : Division Bench

Advocate : M.L. Sarin and Hemant Sarin, for the Appellant; M.C. Berry, D.A.G., for the Respondent

Final Decision : Allowed

Judgement

M.S. Liberhan and H.S. Brar, JJ.—In this case notice of motion was issued on 19th January, 1993, for 10th March, 1993, on which date the respondent-State put in appearance and took time to file written statement. Thereafter, the case was adjourned from time to time but for the reasons but known to the State, written Statement has not been filed till today. In view of these circumstances, we are left with no other option except to accept the averments made in the writ petition to be correct. Consequently, it emerges that the notification u/s 4 of the Land Acquisition Act was issued on 25th September, 1991 and the last publication in Punjabi Tribune appeared on 5th October, 1991, while notification u/s 6 of the Land Acquisition Act was published in official gazette on 22nd October, 1992, which is apparently after expiry of the period of one year provided by the Act. Thus the acquisition proceedings having already elapsed notification u/s 6 could not have been issued.

2. In view of the observations made above, the acquisition of the land qua the petitioner only is quashed. The writ petition is allowed with costs, quantified to be Rs. 1000/- to be borne by the person(s) responsible for not filing the written statement.