
(1995) 11 SC CK 0044

In the Supreme Court Of India

Case No : Civil Appeal No. 10016 of 1995 Etc.

Marwari Panchayat, Amritsar

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-11-1995

Acts Referred:

Constitution of India, 1950 — Article 226
Punjab Town Improvement Act, 1922 — Section 36

Citation : (1995) 8 JT 557 : (1995) 6 SCALE 367 : (1996) 9 SCC 208 : (1995) 4 SCR 708 Supp

Hon'ble Judges : K. Ramaswamy, J;B. N. Kirpal, J

Bench : Division Bench

Advocate : Rekha Aggarwal and Ashok K. Mahajan, in C.A. No. 1001, for the Appellant; N.K. Aggarwal, G.K. Bansal, Ranbir Yadav and R.S. Sodhi, for the Respondent

Final Decision : Dismissed

Judgement

K. Ramaswamy and B.N. Kirpal, JJ.—Leave granted.

2. By an order of this Court dated November 2, 1988, the validity in C.A. Nos. 1764 & 2160 of 1988 titled Shivram and Ors. Etc. v. State of Punjab and Ors. this Court had upheld the validity of the proceedings initiated by Khanna Improvement Trust to implement the scheme framed under the Punjab Town Improvement Act, 1922. The High Court in this case refused to exercise the jurisdiction under Article 226 of the Constitution on the ground that the writ petition was highly belated. The High Court was justified in its conclusion. The notification u/s 36 was published on March 3, 1971 and the writ petition was filed sometime in 1988 and came to be dismissed on June 7, 1988. It is an admitted fact that the appellant had filed an application in 1978 seeking exemption of the appellant's lands from the scheme. Thereby, it would imply that they had the knowledge of the acquisition proceedings even as early as in 1978. Even then no action was taken till 1988. Under these circumstances, we do not think that it is

a case for us warranting interference at this belated stage. The appeal is accordingly dismissed. No costs.

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3. The controversy raised in this appeal is covered by the judgment of this Court in Shivram and Ors. Etc. v. State of Punjab and Ors. referred to earlier. The appeal is accordingly dismissed. No costs.