
(1984) 02 P&H CK 0055

In the Punjab And Haryana At Chandigarh

Case No : Letter Patent Appeal No. 922 of 1982

Municipal Committee Bahadurgarh

APPELLANT

Vs

Rizk Ram and others

RESPONDENT

Date of Decision : 23-02-1984

Acts Referred:

Citation : (1984) CurLJ 251 : (1984) ILR (P&H) 249 : (1984) PLJ 220 : (1984) RRR 26

Hon'ble Judges : P.C.Jain;A.C.J., J and J.M.Tandon, J

Advocate : Mr. Jaishri Anand, Advocates., Mr. Arun Walia, Mr. Harbhagwan Singh, Senior Advocate,, Advocates for appearing Parties

Judgement

P.C. Jain, A.C.J.

1. This judgment of ours would dispose of L.P.A. Nos. 922, 1043 and 1292 and 1982 filed by the Municipality Bahadurgarh and L.P.A. Nos. 1074, 1075 and 1976 of 1982 filed by the State of Haryana, as common question of law and fact arise in these appeals.

2. Civil Writ Petition Nos. 3020, 3021 and 3130 of 1973 were filed by the private respondents, challenging the legality of the notifications issued by the State of Haryana, under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), dated 14th December, 1970 and 18th July, 1973, respectively.

3. The validity of the aforesaid two notifications was challenged on several grounds. The only ground that weighed with the learned Singh Judge for quashing the notification under Section 6 of the Act was, that the said notification was vague, indefinite, inasmuch as the instrumentality by which the public purpose was to be carried out has not been mentioned and this is the only point on which Mr. Harbhagwan Singh, Senior Advocate, learned counsel for the Municipality, has advanced arguments before us. It is contended by the learned counsel that failure to specify the instrumentality by which public purpose is to

be carried out, does not invalidate the notification. In support of his contention, reliance is placed on a Supreme Court judgment in *Madhusudan Chhotalal Patel and another v. Special Land Acquisition Officer*, A.I.R. 1980 Supreme Court 318.

4. Mr. P.S. Jain, Sr. Advocate, learned counsel appearing for the private respondents, very fairly conceded at the Bar that he was unable to support the view taken by the learned Single Judge. Even otherwise, in the wake of the judgment of the Supreme Court in *Madhusudan's case* (supra), we find considerable force in the contention of Mr. Harbhagwan Singh. Mere failure to specify the instrumentality by which the public purpose to be carried out would not invalidate the notification issued under Section 6 of the Act.

5. Consequently, we allow all the appeals, set aside the judgment of the learned Single Judge and dismiss Civil Writ Petition No. 3020, 3021 and 3130 of 1973. However, in the circumstances of the case, we make no order as to costs.