
(1985) 02 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 3607 of 1984

Narinjan Singh and Another

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 28-02-1985

Acts Referred:

Constitution of India, 1950 — Article 226

Land Acquisition Act, 1894 — Section 11, 16, 4, 6

Citation : AIR 1986 P&H 202 : (1985) 82 PLR 358

Hon'ble Judges : P.C. Jain, Acting C.J.; S.P. Goyal, J; I.S. Tiwana, J

Bench : Full Bench

Judgement

I.S. Tiwana, J.—The petitioners impugn the notifications issued by the state Government under

Ss. 4 and 6 of the Land Acquisition Act, 1894 (for short, the Act) on May 2, 1980 and June 22, 1982 (Annexures P. 1 and P.2 respectively) inter alia on the ground that the non-completion of the acquisition proceedings for more than two years subsequent to the issuance of the latter notification is well indicative of the fact that the notification were the result of colourable exercise of power under the Act and were issued only with a view to peg down the price of the suit land to the date of the first notification. The learned Judges of the Motion Bench noticing that in different judgments of this Court similar notifications had been quashed in the light of the varied extent of the delay in completing the acquisition proceedings in those cases, directed this petition to be heard by a Full Bench.. That is how the case is before us now.

2. Having heard the learned counsel for the parties we find it wholly unnecessary to go into the matter any further in view of the conceded position that the acquiring authorities have taken possession of the suit land in terms of S. 16 of the Act and as a result thereof the land has come to vest in the Government free from all encumbrances, Though Mr. Dhingra, learned counsel for the petitioners raises the contention that this delivery of possession to the state authorities does

not in any way affect the rights of the petitioners to assail the impugned notifications on the above noted ground, yet we find no merit in this stand of the learned counsel. Once the Collector makes his award under S. 11 of the Act and takes possession of the land, two consequences follow, i.e. (I) the acquired land absolutely vests in the Government, and (ii) such vesting is free from all encumbrances. In other words, with the taking of the possession by the Government the title of the land acquired completely passes to the State. We find that in two other earlier cases, i.e., C. W. P. No. 3936 of 1984 (Ranjit Singh v. State of Punjab) decided on Sep. 3, 1984 and C. W. P. No. 3960 of 1984 (Hari Chand v. State of Punjab) decided on Sept. 4, 1984, similar view was expressed by the Division Bench while dismissing the petitions right at the threshold i.e. the notion hearing. We, therefore, find no justification to intervene at this stage in exercise of our jurisdiction under Art. 226 of the Constitution.

3. For the reasons recorded above this petition fails and is dismissed but with no order as to costs.

4. Petition dismissed.