
(2000) 11 P&H CK 0248
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 15030 of 2000

Ram Avtar

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 06-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 11, 4, 6, 9

Citation : (2001) 4 RCR(Civil) 34

Hon'ble Judges : K.S. Garewal, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Mr. Sachin Mittal, for the Appellant;

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioner challenges the notifications dated September 8, 1997 and September 7, 1998, issued under Sections 4 and 6 of the Land Acquisition Act, 1894. He prays that these notifications, copies of which have been produced as Annexures P3 and P4 with the writ petition be quashed.

2. We have heard Mr. Sachin Mittal, learned Counsel for the petitioner. He contends that the petitioner alone was given a notice u/s 9 whereas factually the land was the joint holding of three persons. Thus, the notice u/s 9 given on August 14, 2000 as also the subsequent award are vitiated.

3. We are unable to accept this contention. Admittedly, a total area of 11 Kanals 13 Marias has been acquired. The petitioner was given notice. He had the opportunity to raise objections. It is not shown as to what objection was raised. Be that as it may, the fact remains that the petitioner had complete opportunity. Thus he cannot have any grievance. If the other share-holders are not given any notice, they may be entitled to raise an objection. So far as the petitioner is concerned, he has no cause for complaint. Admittedly he has been heard and thereafter the award has been given. He has suffered no loss. No prejudice has

been caused. Consequently, no ground for interference is made out.

4. Faced with this situation the counsel has raised a half-hearted contention that there is construction at the site. It may be so. The compensation due on account of the construction must have also been assessed. It has not been even suggested that no payment has been made for the structure at the site.

5. No other point has been raised.

6. No ground for interference is made out.

7. The writ petition is, accordingly, dismissed in limine.

8. Petition dismissed.