
(1994) 07 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1925 of 1992

Ram Kishan and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 06-07-1994

Acts Referred:

Constitution of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 5A

Citation : (1994) 108 PLR 420

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : V.K. Jain, for the Appellant; H.L. Sibal, A.G. and J.S. Duhan, AAG, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Bali, J.—In this petition under Article 226 of the Constitution of India prayer is for quashing of notification under Sections 4 and 6 of the Land Acquisition Act issued on 23.2.1989 and 22.2.1990 respectively.

2 The grounds that have been pressed for quashing notifications aforesaid, inter alia, are that the plan produced in the Court vide orders passed by this Court in this behalf would clearly demonstrate that the land has been acquired in such a manner that after leaving the unacquired area or exempted portion, the remaining one cannot be put to any meaningful use as also that a committee of five members was constituted to go into the question after visiting the spot as to which land should be exempted from array of acquisition and that the report of the Committee had influenced the mind of the Land Acquisition Collector while deciding objections u/s 5A of the Land Acquisition Act.

3. This Court after perusing the material placed on record and after hearing the learned counsel for the parties is not impressed with either of the arguments mentioned above: The land, subject matter of acquisition, so far as the petitioners are concerned, is 8 Bighas and 8 Biswas on which there is no

construction. This area in itself is enough to be put to meaningful use for the purpose for which the land has been acquired i.e. for the development and utilisation of land as Residential and Commercial area for sector 13, Panipat. That apart, a plan placed on record does not convince this Court to return a finding that acquired land cannot be utilised for the purpose for which it has been acquired. In so far as the report of the Committee of the five members is concerned, suffice it to say that the same was with a view to help Land Acquisition Collector to reach a correct conclusion and it cannot be said that simply because the Committee opined with regard to some land that it should be acquired, the Collector while hearing objections u/s 5A of the Land Acquisition Act was influenced so as to necessarily acquire it, resulting in rejection of objections filed u/s 5A of the Land Acquisition Act.

4. Finding no merit in this petition, I dismiss the same, leaving the parties to bear their own costs.