

(2009) 05 RAJ CK 0106
In the Rajasthan High Court

Shehjad Khan and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 01-05-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 5A, 6

Citation : (2009) 3 WLN 146

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Judgement

Mohammad Rafiq, J.—This writ petition has been filed by the petitioner challenging the notification dt. 25.07.2006 issued u/s 4 and notification dt. 06.08.2007 issued u/s 6 of the Land Acquisition Act, 1894 by which respondents sought to acquire lands of the petitioners in Khasra No. 374 in Village Kehrani, Tehsil Tijara, District Alwar with chowk of other adjoining lands.

2. Notice of this writ petition was issued on 20.04.2009 and copy of the petition was supplied to the learned Additional Government Counsel.

3. Learned Counsel for the petitioners has cited the judgment of co-ordinate Bench of this Court on Sumer Khan and Ors. v. State of Rajasthan and Ors., SBCWP No. 7103/2007 and 23 other writ petitions decided on 02.04.2009. In that very petition, very same questions were challenged on the ground that there is no compliance of Section 5A(2) of the Act of 1894. Writ petitions were allowed by a detailed judgment, operative part of which, is reproduced hereunder:

In view of what has been observed (supra) for non-compliance of provisions contained in Section 5A(2) of the Land Acquisition Act, these writ petitions (except CWP-11411/07, 9931/08 and 7652/07 seeking compensation only) succeeds and are hereby allowed; and declaration dt. 06.08.2007 u/s 6 of the Act qua petitioners who are aggrieved thereby, are hereby quashed and set aside. However, respondents will be at liberty to proceed further pursuant to notification dt. 25.07.2006 u/s 4 after affording opportunity of hearing to

petitioners in terms of Section 5A(2) of the Act in accordance with law.

CWP-11411/07, 9931/08 and 7652/07 along with applications of intervenors seeking compensation only stand disposed of in the light of observations (supra).

No costs.

4. Learned Counsel for the petitioners has also raised similar arguments which were raised and considered in the aforesaid judgment and were ultimately upheld.

5. Writ petition is accordingly allowed in the same terms as aforequoted and similar orders shall obtain in the case of present petitioners.