
(1996) 09 SC CK 0193
In the Supreme Court Of India
Case No : SLP (C) No. 20489 of 1996

Star Wire (India) Ltd.

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 25-09-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1)

Citation : (1996) 8 AD 172 : (1997) 4 ALT 1 : (1996) 9 JT 429 : (1996) 7 SCALE 632 : (1996) 11 SCC 698 : (1996) 7 SCR 6 Supp

Hon'ble Judges : S. B. Majmudar, J;K. Ramaswamy, J

Bench : Division Bench

Advocate : P.P. Rao S. Janani, K.L. Gupta and R.C. Nagia, for the Appellant;

Final Decision : Dismissed

Judgement

1. This SLP arises from the judgment of the Punjab & Haryana High Court made on April 25, 1996 in LPA No. 437/96. Notification u/s 4(1) of the Land Acquisition Act, 1894 [for short, the 'Act'] was published on June 1, 1976. Declaration u/s 6 of the Act was published on February 16, 1977. The award was passed on July 3, 1981. Thereafter, the reference also become final. The petitioner has challenged the notification, the declaration and the award as illegal, it contends that the award does not come in the way of the petitioner in filing the writ petition on January 21, 1994. The High Court has dismissed the writ petition on the grounds of laches.

2. Shri P.P. Rao, learned senior counsel for the petitioner, contends that the petitioner had no knowledge of the acquisition proceedings; as soon as it came to know of the acquisition, it had challenged the validity of the acquisition proceedings and, therefore, it furnishes cause of action to the petitioner. He further contends that the writ petition could not be dismissed on the ground of laches but was required to be considered on merits. We find no force in the contention. Any encumbrance created by the erstwhile owner of the land after publication of the notification u/s 4(1) does not bind the State if the possession

of the land is already taken over, after the award came to be passed. The land stood vested in the State free from all encumbrances u/s 16. In *State of Haryana and others Vs. Dewan Singh and others*, this Court has held that a subsequent purchaser is not entitled to challenge the legality of the acquisition proceedings on the ground of lack of publication of the notification. In *Y.N. Garg v. State of Rajasthan* [1996] 1 SCC 284 and *Smt. Sneh Prabha etc. Vs. State of U.P. and Another*, this Court had held the alienations made by the erstwhile owner of the land after publication of the notification u/s 4(1), do not bind either the State Government or the beneficiary for whose benefit the land was acquired. The purchaser does not acquire any valid title. Even the colour of title claimed by the purchaser was void. The beneficiary is entitled to have absolute possession free from encumbrances. In *U.P. Jal Nigam, Lucknow through its Chairman and another Vs. M/s. Kalra Properties (P) Ltd. Lucknow and others*, this Court had further held that the purchaser of the property, after the notification u/s 4(1) was published, is devoid of right to challenge the validity of the notification or irregularity in taking possession of the land before publication of the declaration u/s 6. As regards laches in approaching the Court, this Court has been consistently taking the view starting from *State of Madhya Pradesh Vs. Bhailal Bhai and Others*, wherein a Constitution Bench had held that it is not either desirable or expedient to lay down a rule of universal application but the unreasonable delay denies to the petitioner, the discretionary extraordinary remedy of mandamus, certiorari or any other relief. The same was view reiterated in catena of decisions, viz., *Rabindranath Bose and Others Vs. The Union of India (UOI) and Others*, ; *State of Mysore and Others Vs. V.K. Kangan and Others*, *Aflatoon and Others Vs. Lt. Governor of Delhi and Others*, ; *Tilokchand and Motichand and Others Vs. H.B. Munshi and Another*, ; *State of Tamil Nadu and others etc. Vs. L. Krishnan and others etc.*, ; *Improvement Trust, Faridkot v. Jagjit Singh State of Punjab and Ors. v. Hari Om Cooperative House Building Society Ltd., Amritsar Market Committee, Hodal Vs. Krishan Murari and Others*, and *State of Haryana and others Vs. Dewan Singh and others*, wherein this Court had held that the High Court was not justified in interfering with the acquisition proceedings. This Court in the latest judgment in *Municipal Corporation of Greater Bombay Vs. The Industrial Development Investment Co. Pvt Ltd., and others*, , reviewed the entire case law and held that the person who approaches the Court belatedly will be told that laches close the gates of the Court for him to question the legality of the notification u/s 4(1), declaration u/s 6 and the award of the Collector u/s 11,

3. In this case, admittedly, the petitioner has purchased the property covered by the notification u/s 4(1) after it was published and, therefore, it's title is a void title. It has no right to challenge the acquisition proceedings much less the award. The Division Bench of the High Court has exhaustively reviewed the case law to negate the claim of the petitioner. We do not find any illegality in the judgment of the High Court warranting interference.

The SLP is accordingly dismissed.