
(1993) 07 SC CK 0025

In the Supreme Court Of India

Case No : Civil Appeals No's. 2398 and 2448 of 1988

State of Haryana Through G.P. Duggal and others	APPELLANT
Vs	
Sukhdev and others	RESPONDENT

Date of Decision : 28-07-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1), 6

Citation : AIR 1994 SC 1255 : (1995) 1 SCC 34 Supp

Hon'ble Judges : N. P. Singh, J;K. Ramaswamy, J

Bench : Division Bench

Final Decision : Allowed

Judgement

K. Ramaswamy, J.—Learned Counsel for the appellants stated that some of the respondents in the following appeals had died and the appeals shall stand abated against the following respondents. Therefore, the appeals shall stand dismissed as abated, against the following respondents:

1. C. A. No. 2437/88 respondent No. 1
2. C.A. Nos. 2403,2432-33/88 All respondents
3. C.A. No. 2408/88 sole respondent
4. C.A. No. 2400/88 respondent Nos. 1 & 2
5. C. A. No. 2398/ 88 respondent Nos. 1, 2,4 & 6
6. C.A. No. 2401/88 respondent Nos. 1 & 3
7. C.A. No. 2402/88 respondent Nos. 1 & 2
8. C.A. No. 2404/88 respondent Nos. 1 & 3
9. C.A. No, 2407/88 respondent Nos. 1, 7,12, 13, 16, 22, 24,30, 31,32,34,35,36,38, 39 & (sic)

10. C.A. No. 2411/88 sole respondent
11. C.A. No. 2412/88 sole respondent
12. C.A. No. 2413/88 respondent Nos. 1, 2,4 & 5
13. C.A. No. 2414/88 respondent No. 1
14. C.A. No. 2415/88 sole respondent
15. C.A. No. 2416/88 respondent Nos. 3 & 4
16. C.A. No. 2418/88 sole respondent
17. C.A. No. 2423/88 respondent Nos. 1, 3&5
18. C.A. No. 2425/88 respondent Nos. 4, 7& 8
19. C.A. No. 2426/88 sole respondent
20. C.A. No. 2427/88 sole respondent
21. C.A. No. 2428/88 respondent Nos. 1, 2 & 6
22. C.A. No. 2431/88 sole respondent
23. C.A. No. 2434/88 respondent Nos. 2, 3 & 4
24. C.A. No. 2436/88 respondent No. 2
25. C.A. No. 2440/88 respondent Nos. 1 & 2
26. C.A. No. 2442/88 respondent No. 1
27. C.A. No. 2430/88 respondent No. 1
28. C.A. No. 2410/88 respondent No. 2

As a consequence all the appeals stand abated against other respondents as being inseverable. Accordingly dismissed. In C.A. No. 673/ 88 by Order dated October, 1989, this Court passed conditional Order that the State Government may bring the Legal Representatives of respondents Nos. 4, 5 and 8 within four weeks time in default the appeal stands dismissed. No steps were taken. So the appeal stood abated against them. The decree being joint and inseparable it stands abated as against other respondents. It is accordingly dismissed.

2. In regard to other appeals, the cases have chequered history. Suffice to start with that the State Government had issued notification u/s 4(1) of the Land Acquisition Act, 1894 in respect of Ajrona and Mujesar village on April 7, 1986 and the notification was published in the State Gazette acquiring 7-91 acres of land for the development and utilisation as Green Belt opposite City center, Sector 12. In respect thereof, declaration u/s 6 was published on April 6, 1987 and an award also was made by the Land Acquisition Act on March 13, 1989. As a result, the acquisition in respect of that land has become final and therefore, it

must be deemed that it is valid acquisition and the interference of the High Court in respect of this land is illegal. The State appeals stand allowed to that extent. With regard to the rest of the lands, notifications were issued on 5-11-1971, 9-12-1973 and 6-11-1981 respectively in respect of lands in Mujesar, Daultabad, Fatehpur Chandila acquiring 490.40 acres, 67.83 acres and 315.42 acres of land respectively, no declaration u/s 6 was made within three years as per the Amendment Act, 1967. As a result, the notifications u/s 4(1) shall stand lapsed. The notification issued u/s 4(1) on February 6, 1989 is acquiring 332.67 acres of land in Daultabad, Fatehpur Chandila, Tiloni Bangar, Ajrona and Mujesar. The High Court appears to have quashed that notification. Though the learned Counsel for the State seeks to assail the correctness of the statement or the order, we express no opinion. It is open to the parties to take such Action as is open according to law. Notification u/s 4(1) of the Act issued again on June 5, 1992, a declaration u/s 6 also was stated to have been issued within one year from the publication of the notification u/s 4(1). Under these circumstances, we decline to interfere with the Order passed by the High Court in respect of the matters dealing with the Acquisition and Requisition of the lands under Punjab Acquisition and Requisition Act, 1953. We do not express any opinion with regard to the merits on the acquisition of the lands and notification dt. 6-2-1989 and 5-6-1992. They take their own course according to law. The appeals are accordingly allowed to the above extent of the 7.91 acres land covered by notification dt. 7-4-1986 and in respect of the other lands appeals are dismissed. The parties shall bear their own costs.