
(1994) 02 P&H CK 0116
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7678 of 1989

Trilok Singh Mohan Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 07-02-1994

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 31(2)

Citation : (1994) 107 PLR 144

Hon'ble Judges : Jawahar Lal Gupta, J

Bench : Single Bench

Advocate : C.B. Goel and Rajinder Goel, for the Appellant; Jaswant Singh, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—Civil Writ Petitions Nos. 7678 of 1989 6895 and 7562 of 1991 have been listed together for hearing. Since these petitions relate to the same acquisition proceedings, these can be disposed of by one order.

2. On March 13, 1981, the State of Haryana issued a Notification u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act) expressing its intention to acquire land "for the development and utilisation as Industrial and commercial area in Section 3 under the Haryana Urban Development Authority Act, 1977....." This was followed by a notification dated November 21, 1983 u/s 6 of the Act. The land Acquisition Collector gave the award on September 26, 1986.

3. The acquisition proceedings have been challenged on a number of grounds. One of the grounds raised by the petitioners is that the compensation awarded by the Collector has not been deposited by the respondents till today. Relying on the decisions of this Court in Moninder Singh Sharma and Ors. v. State of Haryana 1988 PLJ 525 and Capital Stone Crushers Vs. The State of Haryana and Another, , learned counsel for the petitioners contends that the acquisition is

vitiated.

4. In the written statement filed on behalf of the respondents, the factual position has not been controverted. Mr. Jaswant Singh has been driven to concede that in view of these two decision, the petitioners' claim has to be allowed. He, however, submits that these decisions do not enunciate the correct position of law.

5. Indisputably the petitions are covered by the aforesaid two decisions. Further more, it has also been pointed out that L.P.A. No. 597 of 1993 against the decision in the case of M/s. Capital Stone Crushers (supra) was dismissed by a Division Bench of this Court on August 26, 1993. The decision having been affirmed by a Division Bench of this Court, its correctness cannot be challenged at least in the present proceedings before this Court.

6. Respectfully, following these two decisions, it is held that the impugned notifications are vitiated in so far as these relate to the land of the petitioners. To that extent, the petitions are allowed. In the circumstances of the cases, the parties are left to bear their own costs.