

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

CWP No.8229 of 1994

Date of Decision: 14.12.2015

Kishan Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. Malkeet Singh, Advocate, for the petitioner.
Mr. Manoj Bajaj, Additional Advocate General, Punjab
for the respondents.

HEMANT GUPTA, J. (ORAL)

Challenge in the present writ petition is to the notifications dated 07.05.1991 and 18.03.1992 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act') respectively. In pursuance of said notifications, the Land Acquisition Collector has announced its award Annexure P-3 on 15.03.1994 as well.

The challenge to the acquisition proceedings is inter alia on the ground that no notice under Section 5A of the Act was served upon the land owners, therefore, the notification under Section 6 of the Act is unjustified and is illegal.

The stand of the respondents in the reply is that the writ petition has been filed after more than two years after announcing the award. Therefore, the writ petition suffers from delay and laches. It is

stated that the substance of notification was published in Indian Express and Punjabi Tribune as well as published in the locality and in proof thereof, got entered in the *Roznamcha Wakiati* of the Patwar Halqa when the entry was made on 20.06.1991. Thus, the provisions of Section 4 of the Act were duly complied with. In respect of objections, it is stated that full opportunity was afforded to the petitioner to file objection under Section 5-A of the Act.

The present writ petition was heard and admitted and ordered to be listed along with CWP No.7200 of 1992. The said writ petition (CWP No.7200 of 1992) titled 'Engineer Surat Singh and another Vs. State of Punjab and another' had been allowed on 01.07.1996 on the ground that notice of the notification was not issued to the petitioner to enable them to file objections. Therefore, the acquisition proceedings were quashed qua the petitioner in the said writ petition. Based on the said order, another bunch of the writ petitions has been allowed on 18.02.2014 such as CWP Nos.4841 of 1994 and 14558 of 1995.

The issue raised in the present writ petition is the same as in the case of Engineer Surat Singh's case (supra). The only argument raised by Mr. Bajaj is that the petitioner has purchased the land only a month before the publication of notification under Section 4 of the Act. Therefore, the petitioner cannot be permitted to raise an argument that notice on the land owners was not served.

However, we find that such argument does not require any consideration. It is not the case of the respondent that notice was served either upon the vendor of the petitioner or on the petitioner. Therefore, the reasoning given in Engineer Surat Singh's case (supra) is applicable

to the facts of the present case as well.

Consequently, we allow the writ petition and quash the acquisition qua the petitioner in the same terms as Engineer Surat Singh's case (supra).

(HEMANT GUPTA)
JUDGE

(RAJ RAHUL GARG)
JUDGE

December 14, 2015
jt/Vimal