

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

R.A. No.372 of 2015 (O&M) in
CWP No.2484 of 1988
Date of decision: September 24, 2015.

Satya Pal and another

... **Petitioner**

v.

State of Haryana and others

... **Applicant-Respondents**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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

Present: Ms. Palika Monga, Deputy Advocate General, Haryana
for the applicant /respondents.

Hemant Gupta, J. (oral)

The present is an application for review of the order with an application for condonation of delay of 1658 days in filing of review passed by this Court on 27.1.2011 whereby the writ petition was allowed for the reason that the notification dated 24.1.1984 under Section 4 of the Land Acquisition Act was not published in two daily newspapers. The finding was recorded that even the notification dated 20.1.1987 under Section 6 of the Act was not published in any newspaper.

Learned Counsel for the applicant points out that requirement of publication of the notification under Section 4 of the Act came to be incorporated when the Act was amended on 24.9.1984, therefore, there was no requirement for publication of the notification in the newspapers in terms

of the un-amended provisions of the Act. It is also contended that publication of the notification under Section 6 of the Act in the newspaper is directory provision. In this context, reliance has been placed upon State of Haryana v. Raghubir Dayal, 1995(1) SCC 133.

Even if it is assumed that notification under Section 4 of the Act was not required to be published in the newspapers, the same being issued prior to announcement of Act No.68 of 1984, the fact is that declaration under Section 6 was issued after amendment of the Act on 24.9.1984. Such declaration was not published in the two daily newspapers though the same is stated to have been published in the official gazette and in the locality. Since the declaration under Section 6 of the Act has not been published in the newspapers, there is no compliance of the provisions of the Act, as amended. Even, if the provisions are directory in nature, there has to be substantial compliance.

In view thereof, we do not find any error apparent on the face of the record or for condonation of delay of 1658 days in filing of an application to seek review of the order.

Dismissed.

[**Hemant Gupta**]
Judge

[**Raj Rahul Garg**]
Judge

September 24, 2015.
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