

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

Varinder Singh
2017.06.07 12:06
Attest to the accuracy and integrity
of this document
Punjab & Haryana High Court at
Chandigarh

CWP No. 5161 of 2007 (O&M)

Date of decision: 30.5.2017

Rang Lal and others

.. Petitioners

VS

State of Haryana and another

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mrs. Justice Sneh Prashar**

Present: Mr. Adarsh Jain, Advocate, for the petitioners.
 Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners have approached this Court impugning the notification dated 16.11.2005 (Annexure P-16) issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'). The contention raised is that in terms of provisions of Section 4(1) of the Act, the notification is to be published in the Official Gazettee and two daily newspapers circulating in the locality, one of which has to be in the regional language.

The submission is that the notification was published in 'Dainik Bhaskar' (Hindi) Chandigarh Edition and not in Faridabad Edition, though the land is located in Faridabad, hence, there was violation of provisions of Section 4(1) of the Act. He further submitted that same acquisition was quashed by Hon'ble the Supreme Court in Civil Appeal Nos. 628-629 of 2013 Lal Chand (D) through LRs and others vs State of Haryana and another decided on 22.1.2013 on the same ground.

Learned counsel for the State did not dispute the aforesaid factual position.

After hearing learned counsel for the parties and considering the fact that the same notification has been quashed by Hon'ble the Supreme Court in Lal Chand (D) through LRs' case (supra), on the ground that the publication of notification under Section 4(1) of the Act in Hindi was in newspaper 'Dainik Bhaskar' in Chandigarh Edition and not in Faridabad Edition, though the land is situated at Faridabad, in our opinion, the writ petition deserves to be allowed.

For the detailed reasons recorded in Lal Chand (D) through LRs' case (supra), the notification under Section 4(1) of the Act is quashed and as a consequence thereof, all subsequent proceedings lapsed.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

30.5.2017
vs

(Sneh Prashar)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No