

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RFA No.2552 of 1998
Decided on: 16.01.2018

State of Haryana & another

....Appellants

Versus

Major P.K.Mehra & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Shivendra Swaroop, AAG, Hayrana.

Mr.Amit Jain, Advocate, for the land-owners.

G.S. SANDHAWALIA, J. (Oral)

The present judgment shall dispose of 16 appeals bearing RFA-2552 to 2558, 3289, 3426 to 3431, 3658 & 4109-1998, involving common questions of law and facts.

State Counsel submits that the present set of appeals, filed both by the State and the land-owners, arise out of the notification published on 07.12.1998 under Section 4 of the Land Acquisition Act, 1894, whereby the Reference Court has held that the land-owners are entitled to seek compensation @ Rs.4,84,000/- per acre along with statutory benefits.

It is to be noticed by this Court that in a bunch of four writ petitions, the lead case of which was CWP-27532-2013 titled *M/s Usha Stud & Agricultural Farms Private Limited & another Vs. State of Haryana & others*, decided on 02.06.2017, challenge had been raised to notification issued under Section 4 and the subsequent proceedings for acquisition of the land were allowed. Both the notifications under Section 4 & 6, were quashed, on the ground that the subsequent notification was time-barred and therefore, the notification under Section 4 had also elapsed. Relevant portion

of the judgment of the Division Bench read as under:

“53. Consideration of objections under Section 5-A of the Act would not include only the issue on merits on factual aspects, rather it may include even legal issue as well, as was raised in the present case that the notification under Section 4 of the Act itself had lapsed with the passage of time, hence, notification under Section 6 of the Act could not have been issued. The aforesaid legal issue was just brushed under the carpet. Hence, it can be opined that the objections filed by the petitioners under Section 5-A of the Act were not considered objectively.

54. For the reasons mentioned above, in our opinion, the writ petitions deserve to be allowed. The notification under Section 6 of the Act having been issued more than one year after the issuance of notification under Section 4 of the Act is quashed being time barred. As a necessary consequence the acquisition proceedings have lapsed. Even the notification under Section 4 of the Act has also lapsed.

55. The quashing of the aforesaid notifications in any case will not debar the State for carrying out any fresh exercise for acquisition of the land, if legally permissible.

56. The writ petitions stand disposed of.”

Resultantly, nothing survives regarding the rate of compensation and consequently, all the appeals are dismissed, as having been rendered infructuous.

16.01.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*