

**(1981) 11 P&H CK 0005**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Writ No. 713 of 1972

Shiv Datt Sharma

APPELLANT

Vs

The State of Haryana and others

RESPONDENT

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**Date of Decision:** Nov. 6, 1981

**Acts Referred:**

- Land Acquisition Act, 1894 - Section 4

**Hon'ble Judges:** I.S. Tiwana, J

**Bench:** Single Bench

**Advocate:** H.L. Sarin, with Mr. M.L. Sarin, for the Appellant; Kamal Sharma, for the Respondent

**Final Decision:** Allowed

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**Judgement**

I.S. Tiwana, J.

The petitioner impugns notification dated March 24, 1971 (Annexure "C"), issued by the State Government u/s 4 of the Land Acquisition Act (hereinafter called the Act) on the ground that it does not specifically disclose the public purpose for which the land was sought to be acquired and this ambiguity has resulted in depriving him of the opportunity to file any effective objections u/s 5-A of the Act. Essentially he also impugns the proceedings that followed the issuance of this notification.

2. In view of an earlier judgment of this Court in M/s. Auto Pins (India) Regd. v. The State of Haryana 1974 R.L.R. 66, dealing with a similar notification, I need not go into the detailed merits of this petition. In that case too the notification had been issued for the acquisition of certain land and the public purpose stated therein was "for a public purpose, namely, for the planned development for the area of Sector No. 19 (Nineteen) in village Faridabad, Tehsil Ballabgarh, District Gurgaon" This is the exact phraseology used for specifying the public purpose in the present impugned notification. It was held by the learned Judge after referring to a number of judgments of the Supreme Court and the High Courts that there being no specific

mention of the purpose for which the land was sought to be acquired, the notification had to be quashed and it was so quashed. Following this judgment of this Court I allow this petition and quash the impugned notification, Annexure "C". As a necessary consequence of this the proceedings following this notification too are set aside. I, however, pass no order as to costs.