

Mam Chand Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 9, 1998

Citation: (1999) 2 CurLJ 626 : (1999) 2 CurLJ 20 : (1999) 3 ICC 219 : (1999) 1 PLJ 272 : (1999) 1 PLR 711 : (1999) 4 RCR(Civil) 204

Hon'ble Judges: G.C.Garg, J and N.K.Agrawal, J

Advocate: Mr. Amol Rattan Singh, A.A.G., Haryana., Mr. Adish Gupta, Advocate., Advocates for appearing Parties

Judgement

N.K. Agrawal, J.

This is a petition by Mam Chand under Article 226 of the Constitution for quashing the notification dated October 22,

1997 issued under Section 4 and the notification of even date issued under Section 6 of the Land Acquisition Act, 1894 (for short, the `Act").

2. Petitioner is the owner of certain land. Notifications under Sections 4 and 6 of the Act were issued by the State of Haryana on October 22,

1997 so as to acquire certain land situated in village Dadasya, Tehsil and District Faridabad. The land intended to be acquired included the land of

the petitioner.

3. Learned Counsel for the petitioner has argued that the notifications under Sections 4 and 6 of the Act were issued simultaneously, which was not

permissible under the Act. Declaration under Section 6 could be issued only after the publication of the notification issued under Section 4 of the

Act and not on the same date. Both the notifications were published on the same date, namely, October 22, 1997.

4. Supreme Court in State of Uttar Pradesh v. Shyam Nigam, AIR 1989 SC 682, has held that after the Amending Act No. 68 of 1984, a

declaration under Section 6 can only be made after the date of the publication of the notification under Section 4 of the Act. There must be

difference of dates between the date of the publication of the notification under Section 4 and Section 6. After the amendment, both the

notifications cannot be published on the same date.

5. In the light of the aforesaid decision of the Supreme Court, there is found no escape from the conclusion that the notification issued by the State

of Haryana under Section 6 of the Act qua the petitioner, cannot be sustained.

6. The writ petition is, therefore, allowed. Notification issued under Section 6 of the Act on October 22, 1997 is quashed qua the petitioner. No

order as to costs.