

(2012) 12 P&H CK 0193

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 26074 of 2012

Shri Hardial Singh and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision: Dec. 21, 2012

Acts Referred:

- Constitution of India, 1950 - Article 48
- Land Acquisition Act, 1894 - Section 4, 6

Hon'ble Judges: Rajiv Narain Raina, J; Hemant Gupta, J

Bench: Division Bench

Advocate: Akshay Bhan and Mr. Gurinder S. Sandhu, for the Appellant;

Final Decision: Dismissed

Judgement

Hemant Gupta, J.

The challenge in the present writ petition is to the notification dated 18.06.2012 u/s 4 of the Land Acquisition Act, 1894 (for short "the Act") and notification dated 21.09.2012 u/s 6 of the Act whereby the land measuring 22 Kanals is sought be acquired for a public purpose i.e. for construction of Gau Smark (cow memorial) at a public expense. Learned counsel for the petitioners contends that the raising of a memorial is not a public purpose, therefore, such acquisition is not contemplated by law.

2. Article 48 of the Constitution of India provides that the State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.

3. The raising of a cow memorial is to draw public attention for improving the livestock. Such acquisition is a public purpose as it is part of mandate of Article 48 of the Constitution.

4. In view of the said fact, we do not find any merit in the present petition.
Dismissed.