

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2840/2007

Ganga Singh

-----Petitioner

Versus

State And Ors

-----Respondent

For Petitioner(s)	:	Mr. Anuroop Singhi, Adv.
For Respondent(s)	:	Mr. J.S. Shekhawat for Ms. Sheetal Mirdha, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

29/03/2023

Learned counsel for the petitioner has submitted that in the present acquisition proceedings, initially under Section 4 of the Acquisition Act, the name of the petitioner was reflected. However, subsequently, while issuing notification under Section 6 of the Act and in further proceedings, his name was not reflected. Learned counsel has submitted that the same is *sine qua non* for the acquisition proceedings. In support of his contentions, he has relied upon the Apex Court judgment in **(2005) 13 SCC 682**.

He has submitted that in the said judgment, it was held that if a declaration published in the Official Gazette under Section 6(2) of the Act does not include the land in question, it cannot be urged later that the said land was, in fact, acquired since the said plot of land was notified for acquisition in the notification published under Section 4, though not included in the declaration notified under Section 6(2) of the Act.

Per contra, learned counsel for the respondent-State has submitted that symbolic possession has been taken as the compensation is duly deposited. However, he was not able to refute the applicability of the judgment, as cited above. Therefore, he has sought time for taking necessary instructions in the matter.

Let the matter be listed for final disposal on 17/04/2023.

(SAMEER JAIN),J