

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2947 OF 2012
[ARISING OUT OF S.L.P. (C) NO. 4490 OF 2006]

PREM SINGH AND OTHERS ... APPELLANT(s)

Versus

CHANDIGARH ADMINISTRATION ... RESPONDENT(s)

WITH

CIVIL APPEAL NO. 2948 OF 2012
[ARISING OUT OF S.L.P. (C) NO. 5237 OF 2006]

PREM SINGH AND OTHERS ... APPELLANT(s)

Versus

CHANDIGARH ADMINISTRATION & OTHERS ... RESPONDENT(s)

O R D E R

Leave granted.

2. The appellants claim to be the owners of agricultural land, the details of which have been set-out at page 'B' of the paper book. The Chandigarh Administration - respondent No. 1 issued a notification on October 1, 2002 under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") for acquiring the land ad-measuring 575 Kanal - 13 Marlas including the land of the appellants for the urban development of the area between Chandigarh and Manimajra; the planned development and expansion of Chandigarh Technology Park. The appellants filed their objections under Section 5-A of the Act on October 29, 2002. On September 29, 2003, the respondent No. 1 made declaration under Section 6 of the Act including the appellants' land. The appellants challenged the

compulsory acquisition of their land by filing Writ
Petition before the High Court. In the Writ Petition,
the appellants took diverse grounds; one of such
grounds being that no opportunity of personal hearing
as mandated by Section 5-A of the Act was granted to
them before making the declaration under Section 6 of
the Act. The High Court dismissed the Writ Petition on
February 6, 2006. The present appeal arises from this
order.

3. The High Court held that the objections made by
the present appellants had already been decided.
However, the High Court did not examine as to whether
the present appellants were personally heard before
deciding the objections under Section 5-A of the Act.

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4. The matter came up before us on January 9, 2012.
On that day, the contention of the appellants that they
were not given any opportunity of personal hearing
under Section 5-A of the Act was controverted by the
learned counsel for the respondent No. 1 - Chandigarh
Administration. Accordingly, learned counsel for the
respondent No. 1 - Chandigarh Administration was
directed to keep ready the original record of Land
Acquisition Officer concerning subject acquisition to
show that the notice issued to the appellants for
hearing of objections under Section 5-A of the Act was
in fact served.

5. In pursuance of the above order, Mr. Shubham
Bhalla, learned counsel for the respondent No. 1
-Chandigarh Administration showed the original record
of the Land Acquisition Officer to us. He could not
show from the original record any acknowledgment of
notice of hearing duly signed by the appellants.
Learned counsel for the respondent No. 1 relied upon
the receipt book. None of the receipts bears the

signatures of any of the appellants.

The receipts only

bear endorsement of the process server at the back that he went to the spot and notice was served on the

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addressee. It further transpires from the receipt book

that quite a few notices had the similar endorsements

of that date (12.12.2002). Some of the endorsements

are written in one handwriting and few others in

different handwriting though on all these

endorsements, signature is of one person. The

endorsements on the back of the receipts do create

serious doubt of process server having gone personally

to the addresses mentioned in the receipts.

6. We, thus, find that there is some merit in the

submission made on behalf of the appellants that they

were not afforded proper opportunity of personal

hearing while considering the objections filed by them

under Section 5-A of the Act.

7. In a similar matter in Amit Bakshi and others

vs. Chandigarh Administration and others - CWP No.

19103 of 2003, the Division Bench of the Punjab and

Haryana High Court accepted the statement made on

behalf of the Chandigarh Administration that the

Collector would give a personal hearing to the

petitioners therein; hear their objections and report

would be submitted by the Collector to the Government

for appropriate directions. The High Court noticed

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that the statement made on behalf of the Chandigarh

Administration fully satisfied the counsel for the

petitioners therein In the operative order, the High

Court observed that no grievance would be made to the

issuance of the declaration under Section 6 of the Act

and further that no challenge thereafter would be

raised with regard to the non-hearing of the objections

before issuance of the declaration under Section 6 of

WITH SLP(C) NO. 5237 of 2006
(With prayer for interim relief and office report)

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Date: 19/03/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Mahendra Anand, Sr. Adv.
 Mr. Pratham Kant, Adv.
 Mr. Ugra Shankar Prasad, Adv.

For Respondent(s) Mr. Shubham Bhalla, Adv. for
 Ms. Kamini Jaiswal, Adv.

UPON hearing counsel the Court made the following
 O R D E R

Leave granted.

Appeals are disposed of in terms of signed order. No
costs.

(Pardeep Kumar)
Court Master

(Renuka Sadana)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]