

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15897/2013

(From the judgement and order dated 05/12/2012 in SBCWP No.18336/2011,DBCA No.1488/2012 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

MADHOLAL

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for interim relief and office report)

Date: 06/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s) Mr. Rakesh Dahiya, Adv.

For Respondent(s)

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

This petition is directed against order dated 5.12.2012 of the Division Bench of the Rajasthan High Court whereby the special appeal filed by the petitioner was dismissed and the order passed by the learned Single Judge refusing to entertain the writ petition filed by him for quashing the acquisition of his land was upheld.

The petitioner's land comprised in Khasra Nos.105, 106, 112, 116 and 117 situated in the revenue estate of village Ranpur, Tehsil Ladpura, District Kota, Rajasthan was acquired by the State Government for setting up of an industrial hub by RIICO. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 16.1.1996. The petitioner filed objections dated 26.1.1996 under Section 5A(1). After considering the same, the State Government issued the declaration under Section 6(1) of the Act. The award was passed on 16.7.1997.

After 15 years of finalisation of the acquisition proceedings, the petitioner filed Civil Writ Petition No.18336/2011 and prayed for quashing the notifications issued under Sections 4(1) and 6(1) of the Act.

The learned Single Judge of the High Court dismissed the writ petition by observing that the same was highly belated. The Division Bench of the High Court approved the order of the learned Single Judge and dismissed the special appeal.

We have heard Shri Rakesh Dahiya, learned counsel for the petitioner and perused the record.

In our considered view, the writ petition filed by the petitioner was grossly belated and the learned Single Judge and the Division Bench of the High Court did not commit any error by refusing to entertain his prayer. If the petitioner was to file civil suit in 2011 for quashing the acquisition proceeding, the same would have been dismissed as barred by time. Therefore, the writ petition filed by him in 2011 was rightly held to be highly belated.

The rule that the High Court would not exercise power under Article 226 of the Constitution of India for entertaining belated petitions

was aptly laid down in State of M.P. v. Bhailal Bhai and others AIR 1964 SC 1006, Trilok Chand Moti Chand and others v. H. B. Munshi AIR 1970 SC 988, Mafatlal Industries Ltd. v. Union of India 1995 Suppl. (3) SCC 316 and a large number of other judgments.

We are further of the view that the alleged failure of the respondents to take possession of the acquired land cannot enure to the petitioner's advantage and he cannot seek intervention of the Court after a long time gap of 15 years from the date of the final declaration and 14 years after passing of the award.

With the above observations, the special leave petition is dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master