

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).14407/2011

(From the judgement and order dated 16/12/2010 in CWP No.108/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SONIA & ANR

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and permission to file additional documents and permission to file additional affidavit and office report)

Date: 13/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Manoj Swarup, Adv.
(In SLP(C)14407/11) Mr.Ankit Swarup, Adv.
Mr. Rohit Kumar Singh, Adv.

For Respondent(s) Mr. Ravindra Bana, Adv.
(In SLP(C)14407/11)

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated 16.12.2010 of the Division Bench of the Punjab and Haryana High Court whereby the writ petition filed by petitioner No.1 for quashing the acquisition of 1 kanal 1 marla land was dismissed.

By notification dated 23.12.2005 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') the Government of Haryana proposed the acquisition of more than 275 acres land for setting up of the Growth Centre at Saha Tehsil and District Ambala. Petitioner No.2, who owned 1 kanal 1 marla land in Village Saha did not file objections under Section 5A(1) of the Act apparently because she had sold the land to petitioner No.1 vide sale deed dated 10.1.2006. After purchasing the land, petitioner No.1 filed objection and pleaded that the land may not be acquired because she does not have any other land. The Land Acquisition Collector did not accept her request for releasing the land from acquisition. After considering the report submitted under Section 5A(2), the State Government issued the declaration under Section 6(1) of the Act, which was published on 29.12.2006. The Land Acquisition Collector passed award dated 15.11.2008. Soon thereafter, petitioner No.1 filed CWP No.108 of 2009 for quashing the acquisition proceedings mainly on the ground of violation of the rules of natural justice embodied under Section 5A of the Act.

In the written statement filed on behalf of the respondents an objection was raised to the maintainability of the writ petition on the ground that being a subsequent purchaser, the writ petitioner does not have the locus to challenge the acquisition proceedings and that too after passing of the award.

The Division Bench of the High Court dismissed the writ petition on the ground that the writ petitioner had approached the Court after passing of the award. For arriving at this conclusion the High Court relied upon the judgments of this Court in Municipal Corporation of Greater Bombay v. Industrial Development and Investment Company (P) Limited (1996) 11 SCC 501, Municipal Council, Ahmednagar v. Shah Hyder Beig (2000) 2 SCC

48, C.Padma v. Deputy Secretary to the Government of Tamil Nadu (1997) 2 SCC 627, Star Wire (India) Ltd. v. State of Haryana (1996) 11 SCC 698, M/s. Swaika Properties Pvt. Ltd. v. State of Rajasthan JT 2008 (2) SC 280 and Swaran Lata etc. v. State of Haryana and others AIR 2010 SC 1664.

We have heard learned counsel for the parties and perused the record.

At the outset, we may mention that by an order dated 6.5.2011 this Court had granted permission to petitioner No.2 to join petitioner No.1 in filing the special leave petition. However, that cannot improve the latter's case and her locus to challenge the acquisition proceedings cannot be accepted in view of the law laid down in Star Wire (India) Ltd. v. State of Haryana (1996) 11 SCC 698, Meera Sahni Vs. Lt. Governor of Delhi (2008) 9 SCC 177 and Tika Ram v. State of U.P.(2009) 10 SCC 689 that a person who purchases land after initiation of the acquisition proceedings cannot question the same.

We are also of the view that in the peculiar facts of this case, the High Court did not commit any error by non-suiting petitioner No.1 on the ground that the writ petition was filed after passing of the award.

Insofar as petitioner No.2 is concerned, she cannot challenge the acquisition proceedings because she had not filed objections under Section 5A and also because she had not questioned the notifications issued under Sections 4(1) and 6(1) of the Act by filing writ petition before the High Court.

For the reasons recorded above, the special leave petitioner is dismissed. The interim order passed by this Court on 6.5.2011 stands automatically vacated.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

ITEM NO.50(1)

COURT NO.5

SECTION IVB

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).29537 of 2011

(From the judgement and order dated 10/12/2010 in CWP No.22025/2010 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JIWAN RAM

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With office report)

Date: 13/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

(In SLP(C)29537/11)

Mr.Ankit Swarup, Adv.

Mr. Devvrat, Adv.

For RR No.2 in

In SLP(C)29537/11

Mr.Anukul Raj, Adv.

Mr.Ashish Kumar, Adv.

Ms. Prerna Mehta, Adv.

UPON hearing counsel the Court made the following

O R D E R

Having failed to convince the Division Bench of the Punjab and Haryana High Court to entertain the writ petition filed by him after seven years of the issue of declaration under Section 6(1) of the Land Acquisition Act, 1894, the petitioner has filed this petition.

We have heard learned counsel for the parties and perused the record.

In the list of dates, the petitioner has referred to order dated 16.12.2010 passed by the Division Bench of the High Court in Civil Writ Petition No.108/2009 and order dated 6.5.2011 passed by this Court in SLP (C)...CC No.8286/2011 - Sonia and another v. State of Haryana and others. He did so with the object of persuading this Court to entertain his challenge to the order of the High Court. He succeeded in that endeavor because while issuing notice on 14.10.2011, the Bench directed that this petition be connected with SLP (C) No.14407/2011 arising out of CC No.8286/2011.

By an order passed today, we have dismissed SLP (C) No.14407/2011. Therefore, this petition is also liable to be dismissed. Even otherwise, we are convinced that the reasons assigned by the High Court for refusing to entertain the petitioner's challenge, that is, delay in filing of the writ petition and non-maintainability thereof on the ground that the award had already been passed are legally correct and the impugned order does not call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

