

Bhola Shanker

Vs

The Distt. Land Acquisition Officer, Aligarh and Others

Civil Appeal No. 35(N) of 1972

(G. K. Mitter, A. N. Grover JJ )

12.04.1972

JUDGMENT

GROVER, J. -

1. The main point involved in this appeal namely the challenge to the notifications issued under Section 4 and 6 of the Land Acquisition Act have been disposed of by us in the connected Civil Appeal No. 54 of 1972 ((1973) 2 SCC 56.) and the decision therein will govern the decision in this case as well. The only other contention is the one which was raised as the third argument before the High Court. According to the High Court the appellant had admittedly purchased the plot in dispute from Ram Sarup and Madan Mohan in the year 1951, i.e. subsequent to the publication of the notification under Section 4 of the Act. He took no steps to get his name mutated. When the time came for the issue of notice under Section 9, Ram Sarup and Madan Mohan were still shown in the official papers as the tenure holders of the plot in question and the individual notice required by Section 9(3) was therefore issued to them and not to the petitioner Bhola Shanker, the present appellant. The High Court rightly observed that for this it was the appellant who himself was to blame. Moreover, from the counter affidavit filed in the High Court it was clear that the public notice under Section 9(1) was affixed at prominent places in the locality and the High Court was not inclined to believe that the petitioner remained in ignorance of the land acquisition proceedings. Nothing has been brought to our notice which would persuade us not to accept the decision of the High Court on this point. It has been urged that the appellant has put up a house and also a temple as well as therein a grove standing on the land and that he has not been paid any part of the compensation money. These are matters which the appellant ought to have agitated before the appropriate authorities and if it is open to him he may still do so. But we cannot entertain any argument or contention in respect of these points in the present appeal.

2. The appeal is dismissed but there will be no order as to costs.

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