

Indrapuri Griha Nirman Sahakari Samiti Ltd.

Vs

The State of Rajasthan and Others

Civil Appeals Nos. 943 and 980-989 of 1973

(CJI A. N. Ray, K. K. Mathew, Y. V. Chndrachud, A. Algiriswami, A. C. Gupta JJ)

17.09.1974

JUDGMENT

RAY, C.J. -

1. These appeals are by special leave from the judgment dated April 12, 1973 of the Rajasthan High Court.
2. The State of Rajasthan proposed to acquire land for the planned development of the city of Jaipur.
3. On May 13, 1960 a notice was issued under Section 4 of the Rajasthan Land Acquisition Act, 1953 (hereinafter referred to as the Act) which was published in the Rajasthan Gazette on June 9, 1960. No objection was made under Section 5A of the Act. A notice under Section 6 of the Act was published on May 11, 1961. On July 18, 1961 notices under Section 9 of the Act were issued, 63 persons including the predecessor-in-title of the appellant in Civil Appeal No. 943 of 1973 filed claims.
4. An award under the Act was made on January 9, 1964. On July 9, 1964 the award was amended because of certain transactions of sale of portions of the land.
5. Writ petitions were filed on January 23, 1970. The appellants challenged the validity of the notifications dated May 13, 1960 and May 3, 1961 issued under Sections 4 and 6 of the Act. The appellants also challenged the notices dated July 18, 1961 under Section 9 of the Act.
6. The High Court held that the appellants were guilty of inordinate delay. The appellants failed on that ground.
7. The High Court also dealt with the challenge to the land acquisition proceedings on the ground of discrimination and the further plea that the land was being acquired at negligible price and the same would be sold at exorbitant price by the Improvement Trust to the public. The High Court did not accept any of the grounds on the merits.
8. The Attorney General said at the threshold that if the appellants would fail on the ground of delay it was not necessary to go into the rest of the contentions in the judgment.
9. This Court in the recent unreported decision in Writ Petition No. 362 of 1972 decided on August 23, 1974 : Aflatoon v. Lt. Governor of Delhi Subsequently reported in ((1975) 4 SCC 285) held that if persons allowed the Government to complete the acquisition proceedings on the basis that the notification under Section 4 and the declaration under Section 6 were valid and then attacked the

notification on grounds which were available to them at the time when notification was published it would be putting a premium on dilatory tactics.

10. The facts in Aflatoon's case (supra) were these. On November 13, 1959 notification under Section 4 of the Land Acquisition Act was issued. Between 1959 and 1961 objections were filed under Section 5A of the Act. On March 18, 1966 declaration under Section 6 of the Act was published. In 1970 notices under Section 9 of the Act were issued. Writ petitions were filed in 1972. The petitioners did not move after the declaration under Section 6 of the Act. The petitioners came to the Court after the issue of notices under Section 9 of the Act.

11. In the present case the facts show in bold relief that the appellants came to Court nine years after the declaration under Section 6 of the Act.

12. Land acquisition proceedings commence with the notification under Section 4 of the Act. Objections are invited under Section 5A of the Act. Thereafter a declaration under Section 6 of the Act is made. Any challenge to a notification under Section 4 and a declaration under Section 6 of the Act should be made within a reasonable time thereafter. The length of the delay is an important circumstance because of the nature of the acts done during the interval on the basis of the notification and the declaration.

13. The High Court rightly dismissed the applications on the ground of delay.

14. The appeals are dismissed with costs. There will be one set of costs.

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