

SUREME COURT OF INDIA

Har Avtar Singh

Vs.

State of Punjab

(Y Chandrachud and O C Reddy JJ.)

10.11.1982

ORDER

1. It is true that the notification dated October 13, 1969 issued under Section 4 of the Land Acquisition Act, by which the lands of the appellant and of others were acquired, was struck down by the High Court of Punjab and Haryana in writ petitions filed by some other persons whose lands were acquired. The appellant filed a writ petition to challenge the acquisition of his lands nine years later. Not only that, but he asked for enhanced compensation which has been granted ; to him by the learned District Judge. The appeal by the State Government against the Judgment of the District Court appears to be pending in the High Court, but that cannot justify the filing of the writ petition by the appellant to challenge the very acquisition of his lands in which he had acquiesced. He had no complaint against the acquisition of his lands and his only grievance originally was that he was entitled to higher compensation. The High Court was, therefore, right in dismissing the writ petition filed by the appellant.

2. This appeal is, therefore, dismissed. There will be no order as to costs.

3. Since there are no other lands involved in this group of acquisition, the notification having been struck down, the State Government will be well-advised to withdraw the appeal which it has filed in the High Court against the Judgment of the District Judge enhancing the compensation. The State Government should withdraw the appeal and pay the enhanced compensation to the appellant with appropriate interest, say, at 6 per cent per annum.