

State of Punjab and Others

Vs

Hari Om Cooperative House Building Society Ltd., Amritsar

Civil Appeal No. 1866 of 1987

03.08.1987

ORDER

1. Special leave granted. We have heard the learned counsel for the parties. The writ petition, out of which this appeal arises, was allowed by the High Court following its decision in Radhey Sham Gupta v. State of Haryana [AIR 1982 P&H 519] which has been disapproved by this Court in a large number of cases. The writ petition was filed a long time after the publication of the notification under Section 4 of the Land Acquisition Act and of the declaration under Section 6 of that Act. We do not find any merit in the writ petition. We, therefore, set aside the judgment of the High Court and dismiss the writ petition filed in the High Court.

2. Shri C. M. Nair, learned counsel for Hari Om Cooperative House Building Society, the respondent in this appeal, states that the government has passed an order dated October 30, 1981 under sub-section (3) of Section 275 of Punjab Municipal Corporation Act and the government has permitted the Hari Om Cooperative House Building Society and its members to build houses on a part of the land acquired. It is open to Hari Om Cooperative House Building Society to approach the government for the release of the land in respect of which the said order has been passed by the government. The acquisition proceedings, however, cannot be defeated by virtue of the order referred to above. With this observation the appeal is allowed.

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