

State of Gujarat and Another

Vs

Patel Naranbhai Nathubai and Others

Civil Appeal Nos. 1506-1507 of 1974

(G. L. Oza, Ranganath Misra JJ)

26.09.1989

JUDGMENT

RANGANATH MISRA, J. –

1. These appeals by special leave are directed against the judgment of the Gujarat High Court dated August 4, 1972 quashing the declaration under Section 6 of the Land Acquisition Act, 1 of 1984, on the ground that the same made on January 18, 1969, was issued beyond reasonable time.
2. The short facts are : The preliminary notification under Section 4(1) of the Act was made on July 26, 1963. On January 16/18, 1969, the declaration under Section 6 was duly notified. On January 17, 1972, a writ petition was filed in the High Court challenging the declaration. The High Court took notice of the Land Acquisition (Amendment and Validation) Act of 1967 but relying upon a Division Bench judgment of the same High Court in Valji Mulji v. State (11 Guj LR 95) held that the period of 5 1/2 years from the date of the preliminary notification was unreasonable delay for making of the declaration under Section 66 of the Act.
3. The validation provisions came into force on January 20, 1967. Two judgments of this Court dealing with this aspect being Gujarat State Transport Corporation v. Valji Mulji Soneji ((1979) 3 SCC 202) and State of Gujarat v. Punjabhai Nathubhai ((1988) 2 SCC 478) have now concluded the position with reference to the provisions of the Validation Act and on the ratio of these judgments the decisions of the Gujarat High Court on which reliance was placed by the High Court in disposing of these matters cannot be sustained. We accordingly allow the appeals set aside the decision of the High Court and sustain the declaration under Section 6 of the Land Acquisition Act dated January 18, 1969.
4. There shall be no order as to costs.

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