

Ram Lal Sethi and Another

Vs

State of Haryana and Others

Civil Appeal No. 406 of 1975

(M. M. Punchi, S. Ranganathan JJ)

24.10.1989

ORDER

1. This is an appeal from the order of the Punjab & Haryana High Court dismissing in the limine a writ petition filed by the appellant by a shot order. Leave to appeal was granted by the order of this Court dated February 13, 1975.
2. In the writ petition, the appellant had challenged the validity of a notification issued under Section 4 of the Land Acquisition Act, 1894 dated January 14, 1969. It is not now necessary to go into the grounds on which the validity had been challenged because Shri Rajinder Sachar appearing for the appellants has confined his arguments before us to a very short point. The contention raised by him is that out of an area of 1300 sq. yrds. acquired from the appellant only about 700 sq. yrds. has been utilised for the purpose of constructing a new road and the balance of 600 sq. yrds. has been given away by the State Government to M/s Weldon Inks, who had set up their industry near the plot in question. The contention urged is that it is not permissible for the government to acquire land ostensibly for a public purpose but to allot a portion thereof capriciously to some other private party.
3. We have considered this contention urged on behalf of the counsel but we are of the opinion that the allegations on which the contention is based have not been substantiated. In the first place M/s Weldon Inks Ltd., to whom 600 sq. yrds. have been allotted has not been added a party to the writ petition. They have been in possession of the land for almost 17 years now and it will not now be equitable to permit the appellant to implead the said person as a party. That apart the counter-affidavit filed by the State Government clearly explained the reason why this portion of the land was allotted to M/s Weldon Inks. It has been pointed out that in the course of the proper planning for the development of the area, it became necessary to give proper shape to the plots and that it was considered appropriate to allot the land to M/s Weldon Inks who are running the factory on the back of the land of the appellant so that the piece of land would be of proper shape and utility. It may be mentioned that the land belonging to the appellant was of an odd and triangular shape. It is also common ground that the 600 sq. yrds. of land in question cannot be constructed upon under the rules, either by the appellants or by M/s Weldon Inks. In the circumstances, it has been urged that the allotment of the plot to M/s Weldon Inks was not capricious but was dictated by necessities of planning for the proper development of the locality.
4. We are of opinion, in the circumstances outlined above that the lands of the appellant had in fact been acquired for a public purpose but that the exigencies of the development necessitated the allotment of a part of it to another. The appellant has not been able to show that the said allotment was an act of favoritism to M/s Weldon Inks. So far as the appellant is concerned he has already

been awarded the compensation. Moreover, as we have pointed out, it is not possible for us to direct the restoration of the land to the petitioner without Weldon Inks being made a party to the proceedings.

5. Having regard to these facts, we are of the opinion that the appellant is not entitled in the release of 600 sq. yds. of land as prayed for. The appeal, therefore, fails and is dismissed with no order as to costs.

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