

State of Haryana

Vs

Ranbir Kumar Arora

Civil Appeal No. 294 of 1992

(CJI M.N. Venkatachaliah, R.M. Sahai JJ)

20.01.1992

ORDER

1. Heard counsel on both sides. Special leave granted.
2. The notification for acquisition of land under Section 36 of the Punjab Improvement Trust Act, 1922 was struck down by the High Court on the petitions of the respondent and other land owners whose lands were notified for acquisition thereunder on the ground that the acquisition attracted the principle of Radhey Sham Gupta v. State of Haryana [AIR 1982 P & H 519 : 1982 Cur LJ (Civil & Cri) 608].
3. The Improvement Trust of Karnal came up to this Court against that pronouncement in Civil Appeal No. 888 of 1986 and connected cases. By the order dated March 5, 1987 made by a Division Bench of this Court in these appeals it was held that the High Court was in error in applying the principle of Radhey Sham Gupta case [AIR 1982 P & H 519 : 1982 Cur LJ (Civil & Cri) 608] to the present acquisition. The judgment of the High Court was accordingly set aside and the matter was remitted to the High Court for consideration of another contention namely, the validity of Section 44-A of the Punjab Town Improvement Trust Act as enforced in the State of Haryana. It would appear that the High Court has since decided that question upholding the validity of the said Section 44-A. But that is a different matter. For the purposes of this case that aspect has no particular relevance.
4. Following the earlier judgment of this Court in Civil Appeal No. 888 of 1986 and the connected cases (disposed of on March 5, 1987), this appeal requires to be allowed to the extent upholding the validity of the notification. Respondent's Writ Petition No. 2927 of 1982 in the High Court from which SLP No. 3027 of 1984 arises, has become infructuous in view of the subsequent agreement dated December 26, 1990 entered into between the Karnal Improvement Trust constituted under the Punjab Town Improvement Trust Act, 1922 on the one hand the respondents on the other. The terms of settlement itself stipulate that the respondents could not pursue the matter any further. The Writ Petition No. 2972 of 1982 is disposed of accordingly. Appeal is partly allowed.
5. List SLP No. 3028 of 1984 separately.

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