

Marwari Panchayat, Amritsar

Vs

State of Punjab and Others

Civil Appeals No. 10016 of 1995

(K. Ramaswamy, B. N. Kirpal JJ)

01.11.1995

JUDGMENT

1. Leave granted.

2. By an order of this Court dated 2-11-1988, the validity in Shivram v. State of Punjab, [CAs Nos. 1764 & 2160 of 1988] this Court had upheld the validity of the proceedings initiated by Khanna Improvement Trust to implement the scheme framed under the Punjab Town Improvement Act, 1922. The High Court in this case refused to exercise the jurisdiction under Article 226 of the Constitution on the ground that the writ petition was highly belated. The High Court was justified in its conclusion. The notification under Section 36 was published on 3-3-1971 and the writ petition was filed sometime in 1988 and came to be dismissed on 7-6-1988. It is an admitted fact that the appellant had filed an application in 1978 seeking exemption of the appellant's lands from the scheme. Thereby, it would imply that they had the knowledge of the acquisition proceedings even as early as in 1978. Even then no action was taken till 1988. Under these circumstances, we do not think that it is a case for us warranting interference at this belated stage. The appeal is accordingly dismissed. No costs.

In CA No. 21 of 1983

3. The controversy raised in this appeal is covered by the judgment of this Court in Shivram v, State of Punjab[CAs Nos. 1764 & 2160 of 1988] referred to earlier. The appeal is accordingly dismissed. No costs.