

Savitri Devi

Vs

State of Haryana and Others

Civil Appeal No. 3794 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

12.02.1996

ORDER

1. Leave granted.

2. This appeal by special leave arises from the order made by the Division Bench of the High Court of Punjab and Haryana on 31-5-1994 in WP No. 1597 of 1991. The contention of the appellant is that since her land was acquired for public purpose, namely, residential and commercial purpose, the land not having been utilised for the said purpose, she is entitled to the allotment of the land as per the policy of the Government in Annexure 3 appended to the SLP paper-book. Admittedly, the notification under Section 4(1) of the Land Acquisition Act was published on 20-8-1980 acquiring a large extent of land. The award came to be made under Section 11 on 12-2-1986 and the compensation was paid. It has become final. The appellant filed the writ petition for direction for allotment of the land to her, a plot in lieu of the acquisition of her land under the policy framed by the Government for allotting the plots to the oustees and as per the guidelines laid down by this Court in State of U.P. v. Pista Devi [(1986) 4 SCC 251 : AIR 1986 SC 2025].

3. Once the land is acquired and the acquisition has become final, the pre-existing right, title and interest held by the erstwhile owner ceases to exist and is divested and stands vested in the State and the beneficiary free from all encumbrances. The question is : Whether the erstwhile holder is entitled to the allotment of the sites ? The last paragraph of the policy connotes that :

An oustee could be offered a plot when he files an affidavit to the effect that he does not hold any house/shop/plot in that town. Moreover, he should be an owner of the land proposed to be acquired for one year before the issue of notification under Section 4 of the Land Acquisition Act, 1894 and 75% of his land must come under acquisition."

4. On fulfilment of these conditions and then subject to the guidelines laid down therein, the candidate would be entitled to be considered for allotment. Merely because the land is not utilised after the acquisition, they are not automatically entitled to the allotment but subject to the guidelines, their claim would be considered. The appellant is entitled to file an application before the competent authority which would consider and dispose of it according to rules.

5. The appeal is disposed of with the above directions. No costs.