

Before M. M. Punchhi, J.

ZILE SINGH AND OTHERS,—Petitioners.

versus

THE STATE OF HARYANA AND OTHERS,—Respondents.

Civil Writ Petition No. 2625 of 1982.

May 11, 1984.

Constitution of India 1950—Article 226—Land Acquisition Act (1 of 1894)—Sections 4, 6 and 17—Notifications issued under sections 4 and 6 giving incorrect descriptions of the Land sought to be acquired—Acquisition proceedings finalised and award announced—Land owners awarded compensation—Some of such owners subsequently filing Writ Petition seeking the quashing of notifications—High Court—Whether should interjere under Article 226 at such a stage—Urgency provision under section 17 invoked by the State—Such action—Whether could be challenged in such a petition.

Held, that where the arduous process towards framing of the award had been undertaken and, in particular, that of section 9 of the Land Acquisition Act 1894 inviting claim petitions from persons interested, not only with regard to their claims to compensation but also with regard to their respective interests in the land, and a challenge is made to the proceedings on the ground of some discrepancies having occurred in the notifications the petitioners by their neglect and conduct are not entitled to any relief in proceedings under Articles 226 and 227 of the Constitution of India. It has to be borne in mind that acquisitions of the kind are made to fulfil public purposes and the time clock cannot be allowed to run back merely because, under the process, some error has been committed, unless a case of grave injustice has been made. There is nothing of the sort in the instant case. Governmental action is carried out by human beings and to err is human. The relief of this Court flows only when the error is glaring and is a case of manifest injustice; not otherwise. What has been said with regard to notifications under sections 4 and 6 of the Act is equally applicable to the argument in relation to section 17 of the Act. The petitioners did not choose to approach this Court before the finalization of the acquisition, bemoaning the acquisition proceedings to be entirely contrary to the spirit of section 17 of the Act.

(Paras 2 & 3).

Civil Writ Petition Under Articles 226 and 227 of the Constitution of India praying that this Hon'ble Court may be pleased to quash the impugned notifications Annexures P-1 and P-2. It is further prayed that the petitioners be exempted from giving the required

Zile Singh and others *vs.* The State of Haryana and others
(M. M. Punchhi J.)

notices to the respondents as contemplated under the Punjab and Haryana High Court orders because the dispossession of the petitioners can take at any time. It is also prayed that during the pendency of the writ petition dispossession of the petitioners be stayed and the cost of writ petition may also be awarded to them.

Gur Ratttan Pal Singh, Advocate, for the Petitioner.

Gopi Chand, Advocate for A. G. Haryana, for the Respondent.

JUDGMENT

Madan Mohan Punchhi, J. (Oral)

(1) To begin with, there were 39 petitioners. A considerable number of them withdrew from the contest during the pendency of the petition. The remaining ones remained aggrieved against the two notifications under sections 4 and 6 respectively of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), whereby the State of Haryana, for the purpose of the Haryana Agricultural University, acquired some land of the petitioners for establishment of a research station. The primary point raised by the learned counsel for the petitioners is that when the notification under section 4 was issued on 3rd April, 1981 and was followed by a declaration under section 6 of the Act on 7th April, 1981 employing the provisions of section 17 of the Act, there occurred lot of discrepancies not only in the description of the field numbers but also in their areas. Even the total land sought to be acquired had wrongly been calculated, the details whereof, without burdening the judgment, can be had from paragraph 4 of the petition. The discrepancies pointed out by the petitioners have not been denied by the State. These have rather been described as accidental errors which were even corrected by a corrigendum issued by the Government in the Official Gazette on 10th September, 1982. The State otherwise clarified the errors in paragraph 4 of its return and details thereof need not burden the judgment.

(2) The point to be seen is whether, on such errors, should the impugned notification be quashed at all and, if so, wholly or partially. In order to appreciate the point, it has to be noticed that the Land Acquisition Collector on 25th May, 1982 had announced the award vesting the land in the State and some of the landowners, a list whereof was supplied as Annexure R-1, had even received compensation. It is also noticeable that the writ-petitioners, of course, approached this Court in June, 1982 and pointed out the discrepancies

in the two notifications while obtaining stay of dispossession by the Motion Bench on 21st June, 1982. Obviously, they approached this Court after the passing of the land acquisition award. Conceivably, it can be assumed that all the arduous processes towards framing of the award had been undertaken and, in particular, that of section 9 of the Act, inviting claim-petitions from persons interested, not only with regard to their claims to compensation but also with regard to their respective interests in the land. Undoubtedly, these were based on notifications under sections 4 and 6, and any discrepancy with regard to the land actually sought to be acquired was in all probability resolved by all concerned with the aid of the plans which were specifically notified to be available in the office of the Sub Divisional Officer (C), Kaithal, District Kurukshetra. The entire process of acquisition of land has been undergone. It was too late in the day for the petitioners to have come up nearly a month after the passing of the award to challenge the notifications under sections 4 and 6 of the Act merely on suggested, though admitted, discrepancies. I am thus of the considered view that the petitioners, by their neglect and conduct, are not entitled to any relief in these proceedings under Articles 226 and 227 of the Constitution of India. Not a word has been suggested that any land of the petitioners has been taken away without there being paid compensation. It has to be borne in mind that acquisitions of the kind are made to fulfil public purposes and the time clock cannot be allowed to run back merely because, under the process, some error has been committed, unless a case of grave injustice has been made. There is nothing of the sort in the instant case. Governmental action is carried out by human beings and to err is human. The relief of this Court flows only when the error is glaring and is a case of manifest injustice; not otherwise.

(3) At the fag-end, the learned counsel for the petitioners contends that urgency provisions could not be invoked under section 17 of the Act. What has been said with regard to notifications under sections 4 and 6 of the Act in the preceding paragraph is equally applicable to the argument in relation to section 17 of the Act. The petitioners did not choose to approach this Court before the finalization of the acquisition, bemoaning the acquisition proceedings to be entirely contrary to the spirit of section 17 of the Act.

(4) No other point has been urged.

(5) For the foregoing reasons, this petition fails and is hereby dismissed but without any order as to costs.

N.K.S.