

A MARWARI PANCHAYAT, AMRITSAR ETC.

v.

STATE OF PUNJAB AND ORS.

NOVEMBER 1, 1995

B [K. RAMASWAMY AND B.N. KIRPAL, JJ.]

*Punjab Town Improvement Trust Act, 1922 :*

C S.36—Acquisition of lands—Notification published in 1971—Party had knowledge in 1978—Writ Petition filed only in 1988 which was dismissed by the High Court—Held, no interference warranted at the belated stage—Constitution of India, Art. 226.

D Challenging the validity of the proceedings initiated by Khanna Improvement Trust to implement the scheme framed under the Punjab Town Improvement Act, 1922, a writ petition was filed in the High Court. On the ground that the writ petition was highly belated, the High Court refused to entertain it. Hence this appeal.

Dismissing the appeal and the connected appeal, this Court

E HELD: The High Court was justified in its conclusion. The notification under Section 36 of the Punjab Town Improvement Act was published on March 3, 1971 and the writ petition was filed sometime in 1988 and came to be dismissed on June 7, 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 it is not a case warranting interference at this belated stage. [709-D-E]

G CIVIL APPELLATE JURISDICTION: Civil Appeal No. 10016 of 1995 Etc.

From the Judgment and Order dated 7.6.88 of the Punjab & Haryana High Court in C.W.P. No. 4959 of 1988.

H Ms. Rekha Aggarwal and Ashok K. Mahajan for the Appellant in C.A. No. 10016.

N.K. Agarwal, G.K. Bansal, Ranbir Yadav and R.S. Sodhi for the Respondents. A

The following Order of the Court was delivered :

C.A. No. 10016/1995 (@ SLP (C) No. 7157/88)

Leave granted. B

By an order of this Court dated November 2, 1988, the validity in C.A. Nos. 1764 & 2160 of 1988 titled *Shivram & Ors. Etc. v. State of Punjab & Ors.*, 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 March 3, 1971 and the writ petition was filed sometime in 1988 and came to be dismissed on June 7, 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. C D E

IN CA No. 21/83

The controversy raised in this appeal is covered by the judgment of this Court in *Shivram & Ors. Etc. v. State of Punjab & Ors.*, referred to earlier. The appeal is accordingly dismissed. No costs. F

G.N.

Appeal dismissed.