

CASE NO.:
Appeal (civil) 913 of 2008

PETITIONER:
SARDAR SINGH & ORS

RESPONDENT:
STATE OF HARYANA & ORS

DATE OF JUDGMENT: 31/01/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT

O R D E R
CIVIL APPEAL NO. 913 OF 2008
[Arising out of SLP(C)No.17187 of 2004]

Leave granted.

In this appeal, Section 4 Notification was issued on 14/08/2000 for acquiring the land for public purpose, namely to supply drinking water in Canal Based Water Supply Scheme. Challenge of the acquisition before the High Court was dismissed by the High Court. This Court at SLP stage issued notice on 03/09/2004 on a contention of the appellants that the Gram Panchayat land itself is available to satisfy their requirement and yet the appellants' land, who are agriculturists have been acquired by depriving their livelihood. A counter affidavit has been filed by the State stating that the land of the appellants is suitable for the public purpose and for which it is acquired after their subjective satisfaction of the acquiring authority, and since land has been acquired after the subjective satisfaction of the authority, this Court should not

-2-

interfere. We are of the view that which land is suitable to be acquired is the authority to decide after subjective satisfaction and not for this Court to decide such issue. There is no merit in this appeal. It is accordingly dismissed.

It is open to the appellants to move an appropriate application before the State authority and if it is found that the project has been completed and the purpose of acquisition has been achieved in the meantime, as contended by the counsel for the appellants, an appropriate order may be passed.

There shall be no orders as to costs.