



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 163/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Acquisition Officer, Rajasthan Housing Board, Division-I, Udaipur.
3. Deputy Secretary (1st), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Kuldeep S/o Jamanlal, Aged About 41 Years, R/o Village Jodhsagar, Tehsil Salumbar, District Udaipur (Rajasthan).
2. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat, Government Of Rajasthan, Jaipur.

----Respondents

Connected With

D.B. Spl. Appl. Writ No. 164/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Acquisition Officer, Rajasthan Housing Board, Division-I, Udaipur.
3. Deputy Secretary (1st), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Bherulal S/o Dhulji, Aged About 45 Years, R/o Village Naya Gaon, Tehsil Salumber, District Udaipur (Rajasthan).
2. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat, Government Of Rajasthan, Jaipur.

----Respondents

D.B. Spl. Appl. Writ No. 183/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Acquisition Officer, Rajasthan Housing Board, Division-I, Udaipur.
3. Deputy Secretary (1st), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Prabha Devi W/o Pramod, Aged About 48 Years, Tehsil Salumber, District Udaipur (Rajasthan).
2. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat,





Government Of Rajasthan, Jaipur.

----Respondents

D.B. Spl. Appl. Writ No. 231/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Acquisition Officer, Rajasthan Housing Board, Division-I, Udaipur.
3. Deputy Secretary (1st), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Harish S/o Gautam Lal, Aged About 48 Years, Village Naya Gaon, Tehsil Salumber, District Udaipur (Rajasthan).
2. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat, Government Of Rajasthan, Jaipur.

----Respondents

D.B. Spl. Appl. Writ No. 362/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Acquisition Officer, Rajasthan Housing Board, Division -I, Udaipur.
3. Deputy Secretary (1st), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Ram Singh S/o Bhim Singh, Aged About 45 Years, R/o Village Jodhsagar, Tehsil Salumber, District Udaipur (Rajasthan).
2. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat, Government Of Rajasthan, Jaipur.

----Respondents

D.B. Spl. Appl. Writ No. 388/2023

1. Rajasthan Housing Board, Division-I, Udaipur Through Its Resident Engineer.
2. The Land Aquisition Officer, Rajasthan Housing Board, Division-I, Udaipur.
3. Deputy Secretary (Ist), Urban Development And Housing Department, Rajasthan, Jaipur.

----Appellants

Versus



1. Kavita W/o Pramod, Aged About 35 Years, Village Naya Gaon, Tehsil Salumbar, District Udaipur (Rajasthan).
2. Darshana, Aged About 52 Years, Village Naya Gaon, Tehsil Salumbar, District Udaipur (Rajasthan).
3. Raina, Aged About 45 Years, Village Naya Gaon, Tehsil Salumbar, District Udaipur (Rajasthan).
4. The State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Secretariat, Government Of Rajasthan, Jaipur.

-----Respondents

For Appellant(s) : Mr. Amit Tatia
For Respondent(s) : Mr. Deelip Kawadia
Ms. Nidhi Singhvi
Mr. Rajesh Panwar, AAG with
Mr. Ayush Gehlot

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

21/11/2024

1. Learned counsel for the appellants would submit that the learned Single Judge has grossly erred in law in holding that notice issued under Section 27 of the Rajasthan Housing Board Act, 1970 (hereinafter referred to as "the Act of 1970") would attain natural demise, if proceedings toward requisition are not taken within reasonable time because there is no time limit prescribed under the law for initiating or concluding the land acquisition proceedings.

2. Arguments of learned counsel for the appellants is liable to be rejected because the power granted under Section 27 of the Act of 1970 and the consequences of issuance of a notification under that provision apparently affects right to enjoyment of property.



3. Once, a notification under Section 27 of the Act of 1970 is issued, a person cannot undertake any construction activity on his land. However, once notification under Section 27 of the Act of 1970 is issued, the Housing Board and the State Government are obliged to initiate the proceedings for acquisition, if at all the housing scheme so required, within a reasonable period.

4. The notification under Section 27 of the Act of 1970 was published way back on 13.06.2008. Since then, nothing happened. The respondent-writ petitioners, whose land were involved in the scheme, finally approached this Court by way of filing petitions under Article 226 of the Constitution of India in the year 2021. Even in those proceedings, the Housing Board and the State Government could not come out with any concrete proposal to show that they have already taken steps to go ahead with the land acquisition. When the matter is taken up before this Court today, in these appeals also there is absolutely no move either by the Housing Board or by the State Government.

5. The notification under Section 27 of the Act of 1970 cannot be allowed to block somebody's property for indefinite period. Once, the notification under Section 27 of the Act of 1970 is issued, the Housing Board and the State Government are obliged under the law to proceed with the land acquisition proceedings, if at all it is considered necessary and feasible, expeditiously and the same are required to be concluded within a reasonable period.

6. We also find that the State Government did not even issue notice under Section 4 of the Land Acquisition Act, 1894. Even the new Act (Land Acquisition, Rehabilitation and Resettlement Act, 2013) which has come into force in 2014, has not been invoked



with the result that till date, no proceedings for the land acquisition has been drawn. Therefore, the notification under Section 27 of the Act of 1970 has rightly been held to be no longer effective. The order passed by the learned Single Judge, therefore, does not warrant any interference.

7. Accordingly, these appeals are dismissed.

(MUNNURI LAXMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

32-37-Ramesh/PoonamS/-