

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 124 OF 2024  
U/S 14 and 18 OF THE NATIONAL GREEN TRIBUNAL ACT-2010**

**IN THE MATTER OF**

**SUKHBIR SINGH**

**.... APPLICANT**

**VERSUS**

**UNION OF INDIA AND OTHERS**

**.... RESPONDENTS**

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**DRAWN AND FILED BY**



Gaurav Kumar Bansal  
Advocate  
For  
Applicant  
A26, Basement  
Jangpura Extension  
New Delhi – 14

New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 124 OF 2024

U/S 14 and 18 OF THE NATIONAL GREEN TRIBUNAL ACT-2010

IN THE MATTER OF

SUKHBIR SINGH

.... APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

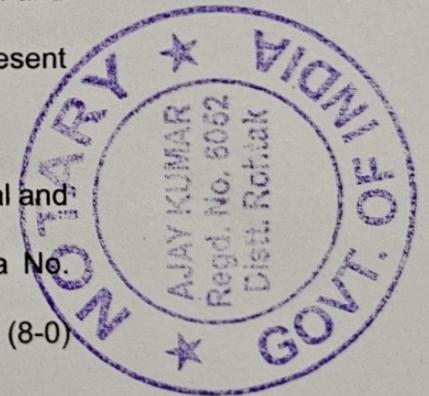
.... RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

I, Sukhbir Singh, S/O Sh. Maha Singh, aged about 53 years residing at 69/10, Jasbir Colony, Near Sheela By pass, Rohtak, Haryana do hereby solemnly affirms and declares:

1. That deponent is the applicant in the present Original Application and as such well conversed with the facts and circumstances of the present case.
2. That the present Original Application pertains to the issue of illegal and arbitrary cutting of trees standing on the land situated at Killa No. 41//7/2, 8, 13, 18, 33//20/2 (1-13), 21 (8-0), 40//1 (7-11)2, 41//9 (8-0)

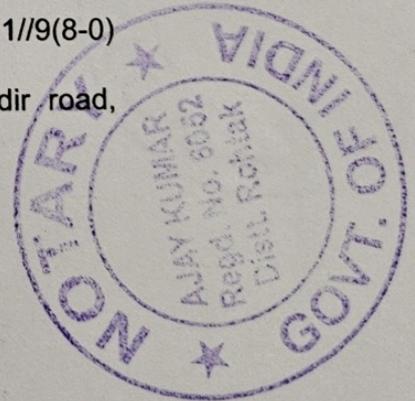


and 41/12 (8-0), admeasuring about 7.5 acres, located at Hanuman Mandir Road, opposite Pandit Lakhmi Chand State University of Performing and Visual Arts, Sector – 6, Rohtak, Haryana, which has been developed by the Applicant into a green forest patch over the years.

3. That the Applicant in the Original Application sought the following prayers:

a) Direct the Respondents and in particular State of Haryana and Department of Forests, Government of Haryana to frame the regulatory mechanism for the protection and conservation of Trees planted in Non Notified areas of Haryana.

b) Direct Respondents and in particular the State of Haryana and Haryana Shehri Vikas Pradhikaran, Govt of Haryana to not to cut trees standing in Forest Patch developed by applicant on land measuring about 7.5 acres situated at Killa no. 41//7/2,8,13,18,33//20/2 (1-13),21(8-0), 40//1(7-11)2, 41//9(8-0) and 41/12(8-0) (Total Land -60 kanal) and Killa no. 41//7/2,8,13,18,33//20/2 (1-13),21(8-0), 40//1(7-11)2, 41//9(8-0) and 41/12(8-0) (Total Land -60 kanal) Hanuman mandir road,

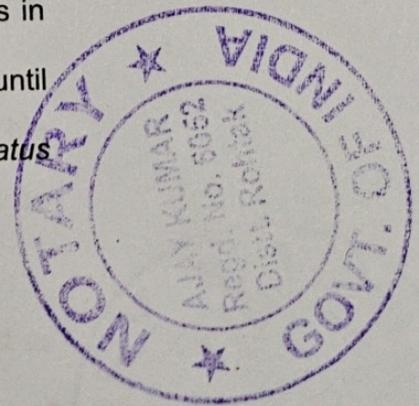


opposite- Pandit Lakhmi Chand State University of Performing and Visual Arts, sector -6, Rohtak, Haryana.

c) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the present case.

4. That in furtherance thereof, the Applicant also filed Interlocutory Application, inter alia, praying that this Hon'ble Tribunal may be pleased to:

- a) Direct the Respondents to maintain complete *status quo* in respect of the subject land and to refrain from taking any action which may lead to the felling of trees or altering the ecological character of the land, as expressly observed by the Hon'ble Supreme Court of India in its order dated 24.05.2010 in *Pawan Kumar & Ors. v. State of Haryana & Ors.*;
- b) Direct that no possession shall be handed over to the allottees in furtherance of the modified order of the Hon'ble Supreme Court until due verification is conducted regarding compliance with the *status quo* directions; and



c) Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice, equity, and environmental protection.

5. That vide Order dated 28.08.2025, this Hon'ble Tribunal, while considering the present matter, observed that prima facie the applicability of the status quo order dated 24.05.2010 (as modified on 20.04.2012) passed by the Hon'ble Supreme Court in *SLP (Civil) No. 14692 of 2010, Pawan Kumar & Ors. v. State of Haryana & Ors.*, to the land in question was not evident. However, by way of abundant caution, this Hon'ble Tribunal granted an opportunity to the Applicant as well as the Respondents to place on record the relevant material clarifying whether the land in question was subject matter of the said writ petition, or whether any part thereof had been released by any order of the Director, Urban Estate Department, Haryana, the validity of which has been questioned before the Hon'ble Supreme Court.

6. That in compliance with the aforesaid directions of this Hon'ble Tribunal, the Applicant respectfully seeks to submit and place on record the following facts and documents for clarification:

i. That in Special Leave Petition (Civil) No. 14692 of 2010, titled as *Pawan Kumar & Ors. v. State of Haryana & Ors.*, the grievance of



the petitioner therein pertained to acquisition of land for the purpose of developing Sector-6, Rohtak under the Haryana Urban Development Authority (HUDA).

- ii. That deponent has learn that in the SLP (Civil) No. 14692 of 2010 which has now been converted into Civil Appeal No. 4247 of 2012, titled Pawan Kumar & Ors. v. State of Haryana Urban Estate Department through its Commissioner and Secretary to Government of Haryana & Ors, the petitioner therein has annexed the Gazette Notification dated 01/01/2002, whereby the Government of Haryana has expressly recorded that the land described in the specifications mentioned in the revenue estate of Village Rohtak, Hadbast No. 74, and Village Pada, Hadbast No. 67, Tehsil and District Rohtak, stood registered for a public purpose, namely, for the development of Commercial Sector-6, Rohtak, under the provisions of the Haryana Urban Development Authority Act, 1977, by the Haryana Urban Development Authority.
- iii. That it is further important to mention here that the Killa numbers pertaining to the Applicant herein are also reflected in the Gazette Notification dated 01.01.2002. Hence, it is clear that the said SLP (Civil) No. 14692 of 2010, which has now been converted into Civil

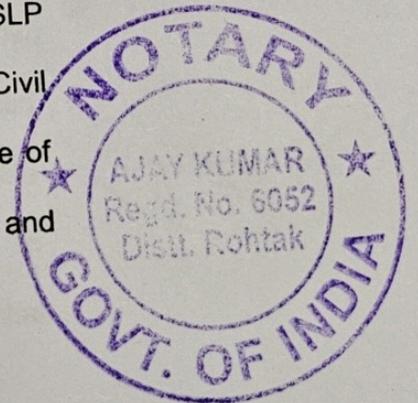


Appeal No. 4247 of 2012, titled Pawan Kumar & Ors. v. State of Haryana Urban Estate Department through its Commissioner and Secretary to Government of Haryana & Ors., squarely contains and covers the land in question of the present Applicant.

- iv. Accordingly, it is crystal clear that all the orders passed by the Hon'ble Supreme Court therein, including the orders dated 24.05.2010 and 20.04.2012, whereby this Hon'ble Court directed maintenance of status quo and expressly denied any change in the nature of the land, are fully applicable to the land of the present Applicant as well.

**True copy of the SLP (Civil) No. 14692 of 2010, including the Gazette Notification dated 01.01.2002 showing the Killa numbers of the deponent herein are Annexed and marked herewith as Annexure A1/1.**

- v. That it is also important to mention here that the deponent herein has been arrayed as Respondent No. 1034 in the aforesaid SLP (Civil) No. 14692 of 2010, which now stands converted into Civil Appeal No. 4247 of 2012, titled Pawan Kumar & Ors. v. State of Haryana Urban Estate Department through its Commissioner and Secretary to Government of Haryana & Ors..



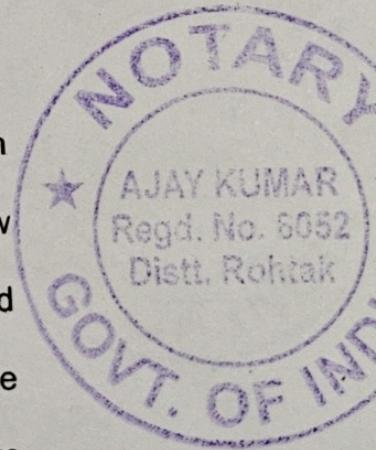
**vi.** That it is further important to mention here that the Rojnamcha dated 29.12.2004 expressly records that the lands which are subject matter of writ petitions pending before the Hon'ble High Court had not been acquired by the Collector, Hisar.

**True copy of the Rojnamcha dated 29.12.2004 is annexed and marked herewith as Annexure A1/2.**

**vii.** That it is also pertinent to mention here that the Rojnamcha dated 29.12.2004 clearly makes reference to the writ petition filed by the deponent herein, i.e., CWP No. 19846 of 2004.

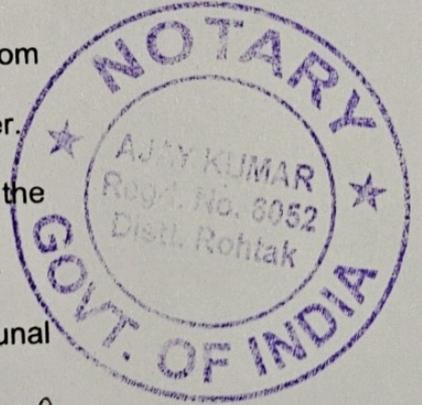
**viii.** From the above mentioned facts and circumstances following facts are absolutely clear:

- a. That as per the Rojnamcha dated 29.12.2004, neither the paper possession nor the physical possession of the land of the deponent herein has ever been acquired by the Respondents.
- b. That it is further crystal clear that the land of the deponent herein is subject matter of SLP (Civil) No. 14692 of 2010, which now stands converted into Civil Appeal No. 4247 of 2012, titled Pawan Kumar & Ors. v. State of Haryana Urban Estate Department through its Commissioner and Secretary to Government of Haryana & Ors.. As such, all the consequential



orders passed by the Hon'ble Supreme Court therein, including the orders dated 24.05.2010 and 20.04.2012, are fully applicable to the land of the present deponent.

- c. That in light of the aforesaid facts and circumstances, it is respectfully submitted that the land of the Applicant is squarely covered within the ambit of SLP (Civil) No. 14692 of 2010, now converted into Civil Appeal No. 4247 of 2012, titled Pawan Kumar & Ors. v. State of Haryana Urban Estate Department through its Commissioner and Secretary to Government of Haryana & Ors.. Consequently, all the orders passed by the Hon'ble Supreme Court therein, including the orders dated 24.05.2010 and 20.04.2012, are fully applicable to the Applicant's land, and the same bind the Respondents from altering the nature or character of the said land in any manner.
7. That balance of convenience is in the favour of the applicant and the ends of the justice shall suffer if the relief as prayed is not granted.
8. That the applicant has not approached any other court or tribunal seeking similar relief as prayed before this Hon'ble Court.

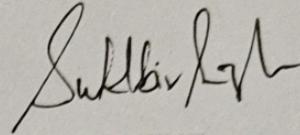


*Sukbir Singh*

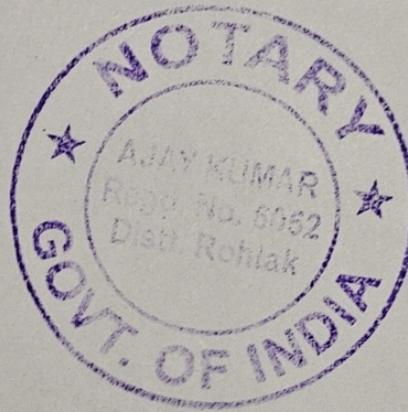
DEPONENT

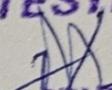
## VERIFICATION:

Verified at New Delhi on this day of September, 2025, that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material is concealed therein.



DEPONENT



ATTESTED  
  
CENTRAL NOTARY PUBLIC  
ROHTAK (HARYANA)  
01 SEP 2025

Complete file O.O. 120725

CAN. 4247 / 2012

Map  
Page No. 45A&B

IN THE SUPREME COURT OF INDIA  
(Under Order XVI Rule (1) (c))

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. \_\_\_\_\_ OF 2010.

[Against out of the Impugned final Judgement and Order dated 17.02.2010 of the High Court of Punjab and Haryana at Chandigarh in CWP No. 2788 of 2010.]

WITH PRAYER FOR INTERIM RELIEF

IN THE MATTER OF:

Pawan Kumar & Ors. ...Petitioners

Versus

State of Haryana & Ors. ...Respondents

WITH

I.A. No. \_\_\_\_\_ of 2010 :- APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY OF THE IMPUGNED ORDER

PAPER BOOK

[FOR INDEX : : KINDLY SEE INSIDE]

FILED  
05 MAY 2010

Count 16  
6, 11, 12, 15, 16, 17  
411451-1-94

ADVOCATE FOR THE PETITIONERS: RISHI MALHOTRA

ITEM NO.106(MM)

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

IA No.55337/2021 - DISCHARGE OF ADVOCATE ON RECORD

Date : 27-04-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Rishi Malhotra, AOR

Mr. Jasbir Singh Malik, Adv.  
Mr. Siddharth Mittal, AOR

For Respondent(s) Mr. Kamal Mohan Gupta, AOR  
Ms. Pratibha Jain, AOR  
Ms. S. Janani, AOR  
Mr. Vinay Garg, AOR

Mr. Anil Hooda, Adv.  
Mr. Jitendra Hooda, Adv.  
Mr. Shafik Ahmed, Adv.,  
Mr. Ajay Sharma, Adv.  
Ms. Anju, Adv.  
Mr. Sunny Chauhan, Adv.  
Mr. Kaushal Yadav, AOR

Mr. Deepak Thukral, D.A.G.  
Mr. Samar Vijay Singh, AOR  
Mr. Keshav Mittal, Adv.  
Ms. Amrita Verma, Adv.  
Ms. Sabarni Som, Adv.  
Mr. Manoj Gautam, Adv.

Mr. Vishwa Pal Singh, AOR  
Mr. Yash Pal Dhingra, AOR  
Mr. Ravindra Bana, AOR

Mrs. Naghma Imtiaz, Adv.  
Mr. Zargham Ahmed, Adv.

Signature Not Verified

Digitally signed by  
Saurabh Kumar Yadav  
Date: 2023.04.27  
17:49:52 IST  
Reason: --

Mr. Saif Naseem, Adv.  
For M/S. Equity Lex Associates, AOR

Mr. Prem Malhotra, AOR  
Mr. Ansar Ahmad Chaudhary, AOR

Ms. Rakhi Ray, AOR

Mr. Gaurav Goel, AOR

UPON hearing the counsel the Court made the following  
O R D E R

At the request of learned counsel for the appellants,  
list on 10.05.2023.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)

ITEM NO.111

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

IA No.55337/2021 - DISCHARGE OF ADVOCATE ON RECORD

Date : 15-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Jasbir Singh Malik, Adv.  
Mr. Siddharth Mittal, AOR

Mr. Rishi Malhotra, AOR

For Respondent(s) Mr. Brijender Chahar, Sr.Adv.  
Mr. Shashi Bhushan, Adv.  
Mrs. Jyoti Chahar, Adv.  
Mr. Karan Chahar, Adv.  
Ms. Pooja Chahar, Adv.  
Mr. Vinay Garg, AOR

Mr. B.K. Satija, AAG  
Mr. Deepak Thukral, Adv.  
Mr. Bhupendra Singh, Av.  
Mr. Keshav Mittal, Adv.  
Ms. Amrita Verma, Adv.

Mr. Amber Shehbaz Ansari, Adv.  
Mr. Sagar Roy, Adv.  
Mr. Shashi Kumar, Adv.  
Mr. Dharm Pal Saini, Adv.  
Mr. Abdul Gaffar, Adv.  
Mr. Sanjay Kustwar, Adv.  
Mr. Deependra Kumar Pathak, Adv.  
Mr. Om Prakash, Adv.  
Mr. Kamal Mohan Gupta, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Yash Pal Dhingra, AOR

Signature Not Verified  
Digitally signed by  
Sash Kumar Yadav  
Date: 2023.03.16  
18:26:32 IST  
Reason: --

Mr. Ravindra Bana, AOR

Mrs. Naghma Imtiaz, Adv.

Mr. Zargham Ahmed, Adv.

Mr. Saif Naseem, Adv.

For M/S. Equity Lex Associates, AOR

Mr. Prem Malhotra, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Ms. Pratibha Jain, AOR

Ms. S. Janani, AOR

Mr. Shiv Singh Yadav, Adv.

Mr. Priya Ranjan Kumar, Adv.

Mr. Amar Nath Singh, Adv.

Mr. Anil Hooda, Adv.

Mr. Jitender Hooda, Adv.

Mr. Shafik Ahmed, Adv.

Mr. Ajay Sharma, Adv.

Ms. Anju, Adv.

Mr. Kaushal Yadav, AOR

Ms. Rakhi Ray, AOR

Mr. Gaurav Goel, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. The Court is convened through Video Conferencing.
2. Additional documents, if any, filed by Mr. Siddharth Mittal, Advocate-on-Record for appellant Nos.1-6 may be accepted by the Registry for our consideration on the next date of hearing.
3. Post the matter for hearing on 26.04.2023.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)

ITEM NO.1702

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

( IA No. 55337/2021 - DISCHARGE OF ADVOCATE ON RECORD)

Date : 21-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARAVIND KUMAR  
[IN CHAMBER]

For Parties

Mr. Rishi Malhotra, AOR

Mr. Jasbir Singh Malik, Adv.  
Ms. Hemlata Rao, Adv.  
Mr. Sidharth Mittal, AORMr. Kamal Mohan Gupta, AOR  
Ms. S. Janani, AOR  
Mr. Amarnath Singh, Adv.  
Mr. Shiv Singh Yadav, Adv.  
Mr. P Ranjan Kumar, Adv.Mr. Brijender Chahar, Sr. Adv.  
Mr. Karan Chahar, Adv.  
Mrs. Jyoti Chahar, Adv.  
Ms. Pooja Chahar, Adv.  
Mr. Shashi Bhushan, Adv.  
Mr. Vinay Garg, AORMr. Kaushal Yadav, AOR  
Mr. Shafik Ahmed, Adv.  
Mr. Nandlal Kumar Mishra, Adv.  
Mr. Pramod Kumar, Adv.  
Mr. Vivekanand Rana, Adv.  
Ms. Akansha Rai, Adv.  
Ms. Apeksha Rai, Adv.

Signature Not Verified

Digitally signed by  
SONIA BHADIN  
Date: 2023.02.23  
15:35:03 IST  
Reason: —

Mr. Deepak Thukral, DAG  
Mr. Samar Vijay Singh, AOR  
Mr. Keshav Mittal, Adv.  
Ms. Amrita Verma, Adv.  
Ms. Sabarni S, Adv.  
Mr. Vishwa Pal Singh, AOR  
Mr. Yash Pal Dhingra, AOR  
Mr. Ravindra Bana, AOR

M/S. Equity Lex Associates, AOR  
Mrs. Nagma Intiaz, Adv.  
Mr. Zargham Ahmed, Adv.  
Mr. Saif Naseem, Adv.

Mr. Prem Malhotra, AOR  
Mr. Ansar Ahmad Chaudhary, AOR  
Ms. Pratibha Jain, AOR  
Ms. Rakhi Ray, AOR  
Mr. Gaurav Goel, AOR

UPON hearing the counsel the Court made the following  
O R D E R

List before an appropriate Bench in the second week of March, 2023, subject to the directions of the Hon'ble the Chief Justice of India, as the matter pertains to the year 2012.

(SONIA BHASIN)  
COURT MASTER (SH)

(RAM SUBHAG SINGH)  
BRANCH OFFICER

ITEM NO.1702

COURT, NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

( IA No. 55337/2021 - DISCHARGE OF ADVOCATE ON RECORD)

Date : 21-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARAVIND KUMAR  
[IN CHAMBER]

For Parties

Mr. Rishi Malhotra, AOR

Mr. Jasbir Singh Malik, Adv.  
Ms. Hemlata Rao, Adv.  
Mr. Sidharth Mittal, AOR

Mr. Kamal Mohan Gupta, AOR  
Ms. S. Janani, AOR  
Mr. Amarnath Singh, Adv.  
Mr. Shiv Singh Yadav, Adv.  
Mr. P Ranjan Kumar, Adv.

Mr. Brijender Chahar, Sr. Adv.  
Mr. Karan Chahar, Adv.  
Mrs. Jyoti Chahar, Adv.  
Ms. Pooja Chahar, Adv.  
Mr. Shashi Bhushan, Adv.  
Mr. Vinay Garg, AOR

Mr. Kaushal Yadav, AOR  
Mr. Shafik Ahmed, Adv.  
Mr. Nandlal Kumar Mishra, Adv.  
Mr. Pramod Kumar, Adv.  
Mr. Vivekanand Rana, Adv.  
Ms. Akansha Rai, Adv.  
Ms. Apeksha Rai, Adv.

Mr. Deepak Thukral, DAG  
Mr. Samar Vijay Singh, AOR  
Mr. Keshav Mittal, Adv.  
Ms. Amrita Verma, Adv.  
Ms. Sabarni S, Adv.  
Mr. Vishwa Pal Singh, AOR  
Mr. Yash Pal Dhingra, AOR  
Mr. Ravindra Bana, AOR

M/S. Equity Lex Associates, AOR  
Mrs. Naghma Imtiaz, Adv.  
Mr. Zargham Ahmed, Adv.  
Mr. Saif Naseem, Adv.

Mr. Prem Malhotra, AOR  
Mr. Ansar Ahmad Chaudhary, AOR  
Ms. Pratibha Jain, AOR  
Ms. Rakhi Ray, AOR  
Mr. Gaurav Goel, AOR

UPON hearing the counsel the Court made the following  
O R D E R

List before an appropriate Bench in the second week of March,  
2023, subject to the directions of the Hon'ble the Chief Justice of  
India, as the matter pertains to the year 2012.

(SONIA BHASIN)  
COURT MASTER (SH)

(RAM SUBHAG SINGH)  
BRANCH OFFICER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/201

(From the judgement and order dated 17/02/2010 in CWP No 2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

911898

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugne Judgment and prayer for interim relief))

Date: 24/05/2010 This Petition was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

Certified to be true Co  
Assistant Registrar (J  
Supreme Court of Indi

For Petitioner(s)

Mr. Neeraj Jain, Sr. Adv.  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

One of the grounds urged by the petitioners before the High Court in support of their prayer for issue of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

Prima facie, <sup>it</sup> is the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land. However, before finally pronouncing upon the matter, we deem it proper to give an opportunity of hearing to all those whose land was released by the Director, Urban Estate Department by orders dated 12.6.2006 (Annexure P-9) collectively.

The petitioners are directed to implead all such persons as parties to this petition. The needful be done within seven days.

Notice to the respondents including the impleaded respondents, returnable in ten weeks.

Notice on prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo insofar as possession of the acquired land is concerned. This would necessarily mean that the petitioners and the respondents shall not alienate the land/property to any other person in any manner whatsoever and they shall not alter present character thereof.

*Neetu*  
 (Neetu Khajuria)  
 Sr.P.A.

*Phoolan Wati Arora*  
 (Phoolan Wati Arora)  
 Court Master

*int. up  
 2/5/10*

*Ph  
 2-5/5*

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No 2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR & ORS.

Petitioner(s)

VERSUS

91189

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugne Judgment and prayer for interim relief )

Date: 24/05/2010 This Petition was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

Certified to be true Copy  
Assistant Registrar (Judl.)  
2020  
Supreme Court of India

For Petitioner(s)

Mr. Neeraj Jain, Sr. Adv.  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

One of the grounds urged by the petitioners before the High Court in support of their prayer for ~~issue~~ of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

Prima facie, ~~the~~ <sup>we</sup> are of the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land. However, before finally pronouncing upon the matter, we deem it proper to give an opportunity of hearing to all those whose land was released by the Director, Urban Estate Department by order dated 12.6.2006 (Annexure P-9) collectively.

The petitioners are directed to implead all such persons as parties to this petition. The needful be done within seven days.

Notice to the respondents including the impleaded respondents, returnable in ten weeks.

Notice on prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo insofar as possession of the acquired land is concerned. This would necessarily mean that the petitioners and the respondents shall not alienate the land/property to any other person in any manner whatsoever and they shall not alter present character thereof.

*Neetu*  
25/5/10  
(Neetu Khajuria)  
Sr.P.A.

*Phoolan Wati Arora*  
(Phoolan Wati Arora)  
Court Master

ITEM NO.28

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

Date : 11-03-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI  
[IN CHAMBER]

For Appellant(s) Mr. Rishi Malhotra, AOR

For Respondent(s) Mr. Kaushal Yadav, AOR

Mr. Vinay Garg, AOR

Ms. S. Janani, AOR

Ms. Pratibha Jain, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Prem Malhotra, AOR

Mr. Intiaz Ahmad, Adv.

Mrs. Naghma Intiaz, Adv.

Mr. Ahmed Zargham, Adv.

M/S. Equity Lex Associates, AOR

Mr. Ravindra Bana, AOR

Mr. Yash Pal Dhingra, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. D. N. Goburdhan, AOR

Mr. Gaurav Goel, AOR

Signature Not Verified

Digitally signed by  
NEELAM GHZATI  
Date: 2019.03.16  
13:22:31 IST  
Rastogi

Ms. Rakhi Ray, AOR

Mr. Gauram Sharma, Adv.  
Mr. Abhishek Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

An application has been filed informing this court that the appellant has deliberately impleaded the batch of respondents in the petition who are not even remotely concerned with the dispute, just to defer the proceedings on this court.

Record reveals that the learned counsel for the petitioner is not taking interest in the matter, since the parties are represented by their counsel. Let the matter be listed before the Court.

Registry to list the matter.

(NEELAM GULATI)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR K BABU

Civil Appeal No(s). 4247/2012

PAWAN KUMAR & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

Date : 13-11-2018 This appeal was called on for hearing today.

For Appellant(s)

Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr Anil Hooda, Adv.  
Mr Ajay Sharma, Adv.  
Ms Sunita Yadav, Adv.  
Mr. Kaushal Yadav, AOR  
Mr Shashi Bhushan, Adv.  
Mr. Vinay Garg, AOR  
Ms. S. Janani, AOR  
Ms. Pratibha Jain, AOR  
Mr. Ansar Ahmad Chaudhary, AOR  
Mr. Prem Malhotra, AOR  
Mr Imtiaz Ahmed, Adv.  
Mrs Naghma Imtiaz, Adv.  
Mr Ahmed Zargham, Adv.  
M/S. Equity Lex Associates, AOR  
Mr. Ravindra Bana, AOR  
Mr. Yash Pal Dhingra, AOR  
Mr Gautam Sharma, Adv.  
Mr S.P.Vishnu Prasath, Adv.  
Mr. Vishwa Pal Singh, AOR  
Mr. Kamal Mohan Gupta, AOR  
Ms Gauri Goburdhan, Adv.  
Ms Pallavi Chopra, Adv.  
Mr. D. N. Goburdhan, AOR  
Mr. Gaurav Goel, AOR  
Mr Vaibhav Gulia, Adv.  
Ms. Rakhi Ray, AOR

"It is not a certified

copy"

UPON hearing the counsel the Court made the following  
O R D E R

Signature valid

Digitally signed by  
VINOOD KUMAR HARYANA  
DN: cn=VINOOD KUMAR HARYANA,  
o=REGISTRAR COURT,  
ou=REGISTRAR COURT,  
c=IN

Process letter dt.19.7.2018 as per rules for listing  
before the Hon'ble Judge in Chambers.

  
K BABU  
Registrar

D.No. 2201/2012/Sec.IV  
Supreme Court of India  
New Delhi.  
Dated: 31.07.2018

From: The Assistant Registrar  
Supreme Court of India  
New Delhi.

To: Mr. Prem Malhotra, Advocate  
Chamber No. 131 (Old),  
Supreme Court, New Delhi-

Filed  
31/7/18

CIVIL APPEAL NO. 4247 OF 2012

Pawan Kumar & Ors.

....Appellants

VERSUS

State of Haryana & Ors.

...Respondents

Sir,

I am to inform you that Mr. Gaurav Goel, Advocate has on 19.07.2018 filed a letter and stating therein the names of Respondent Nos.598, 599, 600 and 601 have wrongly been published in newspaper as their land were not released by the Director, Urban Estate Department as per order dated 12.06.2006. (Copy of letter enclosed).

You are, therefore, requested to take appropriate steps within seven days from the receipt of this letter so that the matter may be processed further.

Yours faithfully,

*Neelanjali*  
31/7/18  
Per ASSISTANT REGISTRAR

Rm/c4/roni/2012

**GAURAV GOEL**

Advocate on Record, Supreme Court of India  
 Office: 1104, Kanchanjunga Apartments, Kaushambi, Ghaziabad, U.P. - 201010.  
 Phone: +91 99104 83633, 84700 71199  
 Email: gauravgoel@gmail.com, gauravgoel@yahoo.com

To,  
 The Registrar,  
 The Supreme Court of India,  
 New Delhi -110001.

19<sup>th</sup> July 2018

In Re : In the Supreme Court of India  
 Civil Appeal No. 4247 of 2012 (SLP (C) No. 14692 of 2010)  
 Pawan Kumar & Ors.  
 Vs.  
 State of Haryana & Ors.

Sir,

- In respect of the subject Civil Appeal I wish to state that this Hon'ble Court passed order dated 24-05-2010 directing the petitioners to implead all such persons as a parties to the petition whose land was released by the Director, Urban Estate Department by orders dated 12-06-2006 (Annexure P-9) Collectively. The copy of the order dated 24-05-2010 passed by the Hon'ble Court in SLP (C) No. 14692 of 2010 is annexed hereto as Annexure - A. (Pages No. 3 - 4)
- That on 12-05-2018 a notice was published in Hindi Newspaper "Haryana Jagran" in which an amended cause title of subject appeal was published and they were shown to be impleaded as respondents in the subject appeal and the names of my clients appeared at :-  
 Serial No. 598 Bimla Rani W/D Shri Ujjwal Singh  
 Serial No. 599 Kulwant Singh S/O Shri Ujjwal Singh  
 Serial No. 600 Ravinder Singh S/O Shri Ujjwal Singh  
 Serial No. 601 Jitender Singh S/O Shri Ujjwal Singh  
 The copy of the newspaper "Haryana Jagran" dated 12-05-2018 is annexed hereto as Annexure - B. (Pages No. 5 - 7)

Chamber : 48, Lawyers Chamber, Supreme Court of India, New Delhi - 110 001

**GAURAV GOEL**, Advocate on Record, Supreme Court of India  
Office: 1104, Kanchanjunga Apartments, Kaushambi, Ghaziabad, U.P. - 201010.  
Phone: +91 99104 83633, 84700 71199  
Email: [gauravgoel@gmail.com](mailto:gauravgoel@gmail.com), [gauravgoel@yahoo.com](mailto:gauravgoel@yahoo.com)

---

3. It is submitted that at the Khasra No. of my clients land are 9/3, 10/1, 10/2, 20, 21, 22, 23/1, 24/19, 25/25/2, 29/25/2, 29/6/2. These lands were not released by the Director, Urban Estate Department as per order dated 12-06-2006. Therefore, the names of my clients are wrongly been added as respondents in the subject appeal in violation of the Hon'ble Court order dated 24-05-2010.
4. You are requested to kindly check the matter and delete the names of my clients from the amended cause title of the subject appeal and intimate me accordingly.  
Awaiting for your reply.

 Yours Sincerely,

(Gaurav Goel)

---

Chamber : 48, Lawyers Chamber, Supreme Court of India, New Delhi – 110 001

8

ANN-A-1

ITEM NO.43

COURT NO.2

SECTION IVB

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

Date: 24/05/2010. This Petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C.K. PRASAD

(VACATION BENCH)

For Petitioner(s) Mr. Naeraj Jain, Sr. Adv.

Mr. Rishi Malhotra, Adv.

Mr. Prem Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

ORDER

One of the grounds urged by the petitioners before the High Court in support of their prayer for issue of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

Prima facie, we are of the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land."

9

However, before finally pronouncing upon the matter, we deem it proper to give an opportunity of hearing to all those whose land was released by the Director, Urban Estate Department by orders dated 12.6.2006 (Annexure P-9) collectively.

The petitioners are directed to implead all such persons as parties to this petition. The needful be done within seven days.

Notice to the respondents including the impleaded respondents, returnable in ten weeks. Notice on prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo insofar as possession of the acquired land is concerned. This would necessarily mean that the petitioners and the respondents shall not alienate the land/property to any other person in any manner whatsoever and they shall not alter present character thereof.

(Neetu Khajuria)  
Arora) Sr.P.A.

(Phoolan Wati  
Court Master

Ch-9  
true copy

# हरियाणा

# जागरण

www.jagran.com

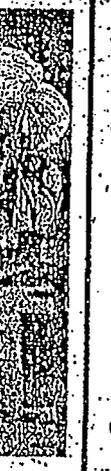
शुक्र 12 अक्टूबर 2018

## ग़ाब प्रदेशों में हरियाण सबसे अधिक गुराग्राम ने

### ग्रा, 44.4 डिग्री पर पहुंचा घरा

#### गुराग्राम में भी तापमान 44 डिग्री पहुंचा

हरियाणा में हरियाणा के गुराग्राम में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।



गुराग्राम में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।

हरियाणा में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।



हरियाणा में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।

हरियाणा में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।

जिला	तापमान (दिनांक)
गुराग्राम	42.9
फरीदाबाद	42
पानीपत	42
रोहतक	42
सुरेन्द्रगढ़	42
जयपुर	42
बहावलपुर	42
मुरादाबाद	42
गुरुग्राम	43
फरीदाबाद	43
पानीपत	43
रोहतक	43
सुरेन्द्रगढ़	43
जयपुर	43
बहावलपुर	43
मुरादाबाद	43

हरियाणा में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।

## कड़ी सुरक्षा से पढ़ी गई जुमे की नमाज

शुक्रवार के दिन, हरियाणा की हरियाणा में कड़ी सुरक्षा के साथ नमाज पढ़ी गई।



**गुराग्राम में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।**

हरियाणा में तापमान 44 डिग्री सेल्सियस तक पहुंच गया।

**कड़ी सुरक्षा से पढ़ी गई जुमे की नमाज**

शुक्रवार के दिन, हरियाणा की हरियाणा में कड़ी सुरक्षा के साथ नमाज पढ़ी गई।





ITEM NO.10

COURT NO.8

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 50869/2018 in IA NO.23/2016 in Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

Date : 14-05-2018 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
[IN CHAMBERS]

For Appellant(s)

Mr. D. N. Goburdhan, AOR  
Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr. Surjeet Singh, Adv.  
Mr. Ronak Karanpuria, Adv.  
Mr. Gautam Sharma, Adv.  
Mr. Manish Paliwal, Adv.  
Mr. Vishwa Pal Singh, AORMr. Shashi Bhushan, Adv.  
Mrs. Jyoti Chahar, Adv.  
Mr. Karan Chahar, Adv.  
Mr. Vinay Garg, AORMr. Imtiaz Ahmed, Adv.  
Mrs. Naghma Imtiaz, Adv.  
Mr. Ahmed Zargham, Adv.  
Ms. Amra Moosavi, Adv.  
M/S. Equity Lex Associates, AOR

Mr. Kaushal Yadav, AOR

Ms. S. Janani, AOR  
Ms. Pratibha Jain, AOR  
Mr. Ansar Ahmad Chaudhary, AOR  
Mr. Prem Malhotra, AORMr. Ravindra Bana, AOR  
Mr. Yash Pal Dhingra, AOR

Mr. Kamal Mohan Gupta, AOR

Signature Not Verified  
Digitally signed by  
SUNIL SAHOO  
Date: 2014.05.17  
10:44:55  
Reason:

UPON hearing the counsel the Court made the following  
O R D E R

I.A.No.50869/2018 for withdrawal of names of  
applicants/appellants from I.A. No.23/2016 is allowed.

(SONALI SAUND)  
SENIOR PERSONAL ASSISTANT

(ANITA RANI AHUJA)  
COURT MASTER

ITEM NO.6

COURT NO.11

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

Date : 24-04-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
[IN CHAMBER]

For Appellant(s)

Mr. D. N. Goburdhan, AOR

Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr. Anil Hooda, Adv.

Mr. Ajay Sharma, Adv.

Mr. Kaushal Yadav, AOR

Mr. Vinay Garg, AOR

Ms. S. Janani, AOR

Ms. Pratibha Jain, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Prem Malhotra, AOR

Mr. Mitiaz Ahmed, Adv.

Ms. Naghma Intiaz, Adv.

Mr. Ahmed Zargham, Adv.

M/S. Equity Lex Associates, AOR

Mr. Ravindra Bana, AOR

Mr. Yash Pal Dhingra, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Gautam Sharma, Adv.

Signature Not Verified  
Digitally signed by  
ASHA SUSHRIMAL  
DN: cn=ASHA SUSHRIMAL,  
o=172218157,  
Reason: —

Mr. Manish Paliwal, Adv.

Mr. Kamal Mohan Gupta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

As a last opportunity, four weeks' time is granted to  
learned counsel for the respondent-State to file affidavit of  
service along with proof of publication.

(SHASHI SAREEN)  
AR CUM PS

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

No Date with in 5 days

SECTION :- IV

Date 11.11.2016

**IN THE SUPREME COURT OF INDIA**

CIVIL/CRIMINAL/APPELLATE/ORIGINAL JURISDICTION

~~CRIMINAL MISC PETITION / I.A. NO.~~

~~OF~~

~~SEPTEMBER APPEAL (CIVIL/CRIMINAL) NO.~~

4247

OF 2012

Pawan Kumar Saks

Petitioner(s)

Appellant(s)

VERSUS

State of Haryana Saks

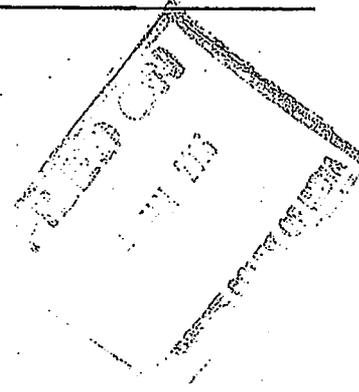
Respondent(s)

INDEX

S.NO.	PARTICULARS	COPIES	COURT FEE
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Letter to the Registrar

1



*[Handwritten signature]*

~~PREVAILING~~ & RISHI MALHOTRA

Advocate for Petitioner(s) /

Appellant(s) / Respondent (s)

Chamber No. 131 (Old)

Supreme Court,

New Delhi-110001

Tel. : 23389999, Fax : 23389999

Code : ~~52~~, 1582

ID-4325  
F 02/02  
2871505181

1004

*Rishi Malhotra*

*Advocate*

*Supreme Court*

B-369, MEERA BAGH,  
OUTER RING ROAD  
NEAR PEERA GARHI  
NEW DELHI-110063  
TEL:- 42332021, 25280799

OFFICE:  
131-LAWYER'S CHAMBER  
SUPREME COURT  
NEW DELHI-110001  
TEL:23389999, FAX: 23389999  
MOB: 9810110060

Dated:- 04.01.2016

To,

The Registrar,  
Supreme Court of India,  
New Delhi-110001

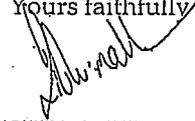
Sub:- CIVIL APPEAL NO.4247/2012  
PAWAN KUMAR & ORS. VS. STATE OF HARYANA & ORS.

Sir,

In the above-mentioned matter, it has come to my knowledge that the amended certified copy of the Amended Cause Title dated 17.12.14 which has been obtained by the undersigned, the names of some of the petitioners varies as compared to my SLP Paper Book.

It is therefore, requested your goodself to kindly check and if required, correct the Amended Memo of Parties.

Yours faithfully



[RISHI MALHOTRA]  
Advocate for the Appellants

Civil Appeal No.4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(and IA No.87247/2017-EARLY HEARING APPLICATION)

Date : 18-01-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
[IN CHAMBER]

For Appellant(s) Mr. D. N. Goburdhan, AOR (N.P.)

Mr. Rishi Malhotra, AOR (N.P.)

For Respondent(s) Mr. Kaushal Yadav, AOR (N.P.)

**"It is not a certified**

Mr. Vinay Garg, AOR (N.P.)

Ms. S. Janani, AOR (N.P.)

Ms. Pratibha Jain, AOR (N.P.)

Mr. Ansar Ahmad Chaudhary, AOR (N.P.)

Mr. Prem Malhotra, AOR (N.P.)

None M/S. Equity Lex Associates, AOR

Mr. Ravindra Bana, AOR (N.P.)

Mr. Yash Pal Dhingra, AOR (N.P.)

Mr. Vishwa Pal Singh, AOR (N.P.)

Mr. Kamal Mohan Gupta, AOR (N.P.)

The Court made the following  
O R D E R

None appears on behalf of either of the parties.

Signature valid However, four weeks' time is granted to the appellants to file  
proof of publication in respect of unserved respondents.D. N. Goburdhan  
SANJAY KUMAR-II  
Date: 18/01/18  
16:36:57  
Ranson<sup>sd</sup>  
(SANJAY KUMAR-II)  
COURT MASTER (SH)<sup>sd</sup>  
(INDU KUMARI POKHRIYAL)  
ASST. REGISTRAR

ITEM NO.8

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With appln.(s) for early hearing)

Date : 04-12-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

Mr. D. N. Goburdhan, AOR  
Ms. Pallavi Chopra, Adv.

This is not a certified

Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr. Kaushal Yadav, AOR

Mr. Shashi Bhushan, Adv.  
Mrs. Jyoti Chahar, Adv.  
Mr. Vinay Garg, AOR

Ms. S. Janani, AOR

Mr. Puneet Jain, Adv.  
Ms. Priyal Jain, Adv.  
Mr. Bikas Chandra, Adv.  
Ms. Pratibha Jain, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Prem Malhotra, AOR

Mr. Imtiaz Ahmed, Adv.  
Mrs. Nagma Imtiaz, Adv.  
Mr. Ahmed Zargham, Adv.

Signature valid

Digitally signed by  
Chief Justice  
Date: 2017.12.04  
17:00:38 +05:30  
Reason:

Ms. Amra Moosavi, Adv.  
M/s. Equity Lex Associates, AOR

Mr. Ravindra Bana, AOR

Mr. Yash Pal Dhingra, AOR

Mr. Goutam Sharma, Adv.  
Mr. Manish Paliwal, Adv.  
Mr. Vikas Kumar, Adv.  
Mr. Vishwa Pal Singh, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. A. Tewari, Adv.  
Ms. Eliza Bar, Adv.  
Mr. Shree Pal Singh, Adv.  
Mr. Purushottam S. Tripathi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

This is an application for early hearing.

The Registry is directed to list the matter along  
with other connected matters.

The interlocutory application is, accordingly,  
disposed of.

<sup>sd</sup>  
(Chetan Kumar)  
Court Master

<sup>sd</sup>  
(H.S. Parasher)  
Assistant Registrar

ITEM NO.2

COURT NO.6

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. NOS. 22 &amp; 23/2016

IN

CIVIL APPEAL NO. 4247/2012

PAWAN KUMAR &amp; ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS.  
(FOR DIRECTIONS AND OFFICE REPORT)

RESPONDENT(S)

Date : 11/11/2016 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE*It is not a certified copy*

For Appellant(s)

Mr. Rishi Malhotra, AOR  
Mr. Rajat Roshan Sharma, Adv.

For Respondent(s)

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Prem Malhotra, AOR

Mr. Ravindra Bana, AOR

Mr. Brijender Chahar, Sr. Adv.

Mr. Shashi Bhushan, Adv.

Mr. Vinay Garg, AOR

Mr. Imtiaz Ahmed, Adv.

Mrs. Naghma Imtiaz, Adv.

Mr. Ahmed Zargham, Adv.

for M/s. Equity Lex Associates, AOR

Mr. Sushil Kumar Jain, Sr. Adv.

Ms. Christi Jain, Adv.

Mr. Abhinav Gupta, Adv.

Mr. Shailendra Sharma, Adv.

Ms. Pratibha Jain, AOR

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D. Prasad  
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Mr. Vijendra Kasana, Adv.  
Mr. Chand Qureshi, Adv.  
Mr. M.P. Siddiqui, Adv.  
Ms. S. Janani, AOR

Mr. Purushottam Sharma Tripathi, AOR

Mr. Samar Vijay Singh, Adv.  
Mr. Gautam Sharma, Adv.  
Mr. Vishwa Pal Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NOS. 22 & 23/2016 IN CIVIL APPEAL NO. 4247/2012

As already ordered, I.As. be listed along with the  
Civil Appeal No.4247 of 2012

Hearing of the appeal be expedited.

  
[VINOD LAKHINA]  
COURT MASTER

  
[ASHA SONI]  
COURT MASTER

ITEM NO.7

COURT NO.7

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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I.A. NOS. 22/2016 & 23/2016  
IN  
CIVIL APPEAL NO. 4247/2012

PAWAN KUMAR &amp; ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS.  
(FOR DIRECTIONS AND OFFICE REPORT)

RESPONDENT(S)

Date : 30/06/2016 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For parties:

Mr. D. N. Goburdhan, Adv.  
Mr. P. Bagchi, Adv.

Mr. Rishi Malhotra, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Samar Vijay Singh, Adv.  
Mr. Gautam Sharma, Adv.  
Mr. Kamal Mohan Gupta, Adv.Mr. Anil Hooda, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Kaushal Yadav, Adv.

Mr. Prem Malhotra, Adv.

Mr. Ravindra Bana, Adv.

Mr. Brijender Chahar, Sr. Adv.  
Mr. Shashi Bhushan, Adv.  
Mrs. Jyoti Chahar, Adv.  
Mr. Vinay Garg, Adv.

Certified to be true copy

*P. S. Chaudhary*  
 Assistant Registrar, Court  
 30/6/16  
 SUPREME COURT OF INDIA

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Mr. Yash Pal Dhingra, Adv.

Mr. Imtiaz Ahmed, Adv.  
Mrs. Nagma Imtiaz, Adv.  
For M/s. Equity Lex Associates, Adv.

Mr. Sushil Kumar Jain, Sr. Adv.  
Mr. Puneet Jain, Adv.  
Mr. Abhinav Gupta, Adv.  
Mr. Manu Maheshwari, Adv.  
Ms. Pratibha Jain, Adv.

Ms. S. Janani, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NOS. 22/2016 AND 23/2016 IN C.A. NO. 4247/2012

Issue notice to the State of Haryana only, at this stage.

Reply of the State, if any, may be filed in the meantime.

I.As. will be considered along with the Civil Appeal No.4247 of 2012.

  
[VINOD LAKHINA]  
COURT MASTER

  
[ASHA SONI]  
COURT MASTER

ITEM NO.17

COURT NO.12

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. 17/2014, I.A. 18/2015 in Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(For impleading party and office report)

Date : 27/04/2015 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C. NAGAPPAN  
[IN CHAMBER]

For Appellant(s)

Mr. D. N. Goburdhan, Adv.

Mr. Rishi Malhotra, Adv.

Ms. Shweta Rani, Adv.

For Respondent(s)

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Kaushal Yadav, Adv.

Mr. Prem Malhotra, Adv.

Mr. Ravindra Bana, Adv.

Mr. Vinay Garg, Adv.

Mr. Yash Pal Dhingra, Adv.

M/s. Equity Lex Associates, Adv.

Ms. Pratibha Jain, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

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I.A. No. 17/2014 and I.A. No. 18/2014

Heard learned counsel for the appellants, applicants  
and learned counsel for the respondents in these

applications. The applications are not opposed. Learned counsel for the applicants further submitted that in the same acquisition earlier certain persons have been impleaded as respondents in the connected matters and the zerox copy of the order is also perused. The applications are allowed, as prayed for.

I.A. No. 19/2015

Learned counsel for the applicant submits that respondent nos. 4 and 5 are only proforma parties and they may be deleted. Application is allowed and respondent nos. 4 and 5 be deleted from the array of parties at the risk of the applicant.

(Neeta)  
Sr. P.A.

(Tapan Kumar Chakraborty)  
Court Master

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4247/2012

PAWAN KUMAR &amp; ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.  
[FOR IMPLEADMENT]

Respondent(s)

Date : 13/11/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
[IN CHAMBER]

For Appellant(s) Mr. D. N. Goburdhan, Adv.

For Respondent(s) Mr. Rishi Malhotra, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Kaushal Yadav, Adv.

Mr. Prem Malhotra, Adv.

Mr. Ravindra Bana, Adv.

Mr. Aditya Gupta, Adv.

Ms. Jyoti Chahar, Adv. for

Mr. Vinay Garg, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. Imtiaz Ahmed, Adv.

M/s. Equity Lex Associates, Adv.

Ms. Pratibha Jain, Adv.

Mr. Anil Hooda, Adv.

Mr. Prashant Kumar, Adv.

Mr. Kaushal Yadav, Adv.

Signature Invalid

Date: \_\_\_\_\_  
Place: \_\_\_\_\_  
Reason: \_\_\_\_\_

No. 15

UPON hearing the counsel the Court made the following  
O R D E R

I.A. No. 15 seeking impleadment of nine applicants in the instant civil appeal to be heard and disposed of at the time of final hearing of appeal.

As a last opportunity, six weeks' time is granted to the State of Haryana for effecting service on the unserved respondents.

(PARDEEP KUMAR)  
AR-cum-PS

(TAPAN KUMAR CHAKROBORTY)  
COURT MASTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. No. 14/2014 in Civil Appeal No(s). 4247/2012

PAWAN KUMAR & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(for impleadment as petitioner and office report)

Date : 11/07/2014 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
[IN CHAMBER]

For Appellant(s)

Mr. Rishi Malhotra ,Adv. (NP)

For Respondent(s)

Mr. Tarjit Singh, Adv.

Mrs. Nupur Chaudhary, Adv.

Mr. Kamal Mohan Gupta ,Adv.

Ms. Pratibha Jain ,Adv.

Mr. Ravindra Bana ,Adv.

Mr. Prem Malhotra ,Adv.

Mr. Aditya Gupta, Adv.

Mrs. Jyoti Chahar, Adv. for

Mr. Vinay Garg ,Adv.

Mr. Yash Pal Dhingra ,Adv.

Mr. Ansar Ahmad Chaudhary ,Adv.

M/s. Equity Lex Associates ,Adv. (NP)

UPON hearing the counsel the Court made the following  
O R D E R

The applicant to serve notice on the learned  
counsel for the appellants within two weeks.

(SUMAN WADHWA)  
AR-cum-PS

(SUMAN JAIN)  
COURT MASTER

Signature: Suman Wadhwa  
Date: 11/07/14  
Page: 1/1  
Time: 11:52 AM

ITEM NO. 13

COURT NO.14

SECTION IV

S U P R E M E C O U R T O F I N D I A  
 RECORD OF PROCEEDINGS  
 IA 7/2012 in CIVIL APPEAL NO. 4247 OF 2012

PAWAN KUMAR &amp; ORS.

Appellant (s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent (s)

(With appln(s) for substituted service)

Date: 05/08/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
 (IN CHAMBERS)

For Appellant (s)

Mr: Rishi Malhotra, Adv.

For Respondent (s)

Mr. Sushil Jain, Adv.  
 Mr. Puneet Jain, Adv.  
 Mr. Anas Riyaz, Adv.  
 Dr. Monika Gusain, Adv.  
 Mr. Kamal Mohan Gupta, Adv.  
 Ms. Pratibha Jain, Adv.  
 Mr. Ravindra Bana, Adv.  
 Mr. Vinay Garg, Adv.  
 Mr. Yash Pal Dhingra, Adv.  
 Mr. Ansar Ahmad Chaudhary, Adv.  
 M/S. Equity Lex Associates, Adv.

UPON hearing counsel the Court made the following  
 O R D E R

I.A. No. 7 stands allowed. Publication to be effected indicating the posting of the case on 2nd September, 2013 in terms of the orders.

  
 (NEETA)  
 Sr.P.A.

  
 (INDU POKHRIYAL)  
 COURT MASTER

ITEM NO.23

COURT NO.4

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A.Nos. 8, 9 &amp; 12

IN

CIVIL APPEAL NO(s). 4247 OF 2012

PAWAN KUMAR &amp; ORS.

Appellant (s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent (s)

(With appln(s) for impleadment)

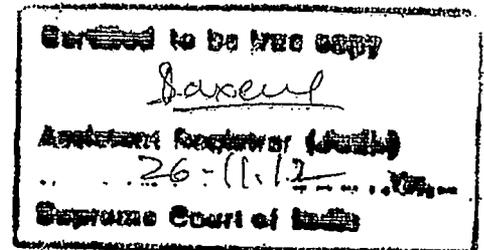
Date: 19/11/2012 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE G.S. SINGHVI  
(In Chambers)

For Appellant (s)

Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv.

For Respondent (s)

Mr. Manjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.Mr. Sushil Kumar Jain, Adv.  
Ms. Christi Jain, Adv.  
Ms. Rachita Gohil, Adv.  
for Ms. Pratibha Jain, Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No. 8 of 2011

This is an application by Smt. Sudershan, W/o Sh. Ranbir Singh Chillar, R/o House No. 13, Sector-4, Rohtak, Haryana and Sneh Lata, D/o Ranbir Singh, R/o Ram Gopal Colony, Sonapat Road, Rohtak, Haryana for impleadment as parties to Civil Appeal No. 4247 of 2012 arising out of SLP (C) 14692 of 2010.

I have heard Mr. Prem Malhotra, learned counsel for the applicants and carefully perused the record.

The Civil Appeal arising out of SLP (C) 14692 of 2010, in which the applicants have sought impleadment as parties, is directed against Order dated 17.02.2010 passed by the Division Bench of Punjab and Haryana High Court, negating the challenge of the petitioners in relation to the acquisition of their land.

The applicants have neither disclosed Khasra Nos. of the land allegedly owned by them nor disclosed the area. Therefore, it is not possible to record a finding that their land had been acquired by the State Government vide Notification dated 01.01.2002 issued under Section 4 of the Land Acquisition Act, 1894, which was followed by a declaration issued under Section 6.

The Affidavit filed in support of the application is also defective inasmuch as the contents thereof have been verified by Applicant No. 1 on the basis of her knowledge and belief. This is not in consonance with the provisions of Supreme Court Rules.

For the reasons stated above, the application is dismissed.

As a sequel to dismissal of I.A.No. 8 of 2011, I.A.No. 9 of 2011 and I.A.No.12 of 2012 are also dismissed.

(Jayant Kumar Arora)  
Sr. P.A.

(Phoolan Wati Arora)  
Court Master

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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I.A. No.6 in Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(For vacating stay and office report)

Date: 20/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Dhruv Mehta, Sr. Adv.  
Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv.

For Respondent(s)

Mr. Manjit Singh, AAG  
Mr. Tarjit Singh, adv.  
Mr. Kamal Mohan Gupta, Adv.

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Assistant Registrar (Civil)

Supreme Court of India

Mr. Sushil Kumar Jain, Adv.  
Mr. Puneet Jain, adv.  
Ms. Christi Jain, Adv.  
Ms. Anuradha Soni verma, Adv.  
Ms. Pratibha Jain, Adv.

Mr. Ravindra Bana, Adv

Mr. Yash Pal Dhingra, Adv

Mr. C.S. Vaidyanathan, Sr. Adv.  
Mr. Manish Kumar, Adv.  
Mr. Ansar Ahmad Chaudhary, Adv

Mr. Imtiaz Ahmed, Adv.

Ms. Naghma Imtiaz, Adv.

for M/S. Equity Lex Associates, Adv

UPON hearing counsel the Court made the following  
O R D E R

Heard Mr. C.S. Vaidyanathan, learned senior

counsel for the applicant, Mr. Dhruv Mehta, learned senior counsel for the petitioners, Mr. H.P. Raval, learned ASG and Mr. Manjit Singh, learned AAG for the State of Haryana.

Shri Vaidyanathan submitted that the land which has been allotted to the applicant does not include the land owned by the special leave petitioners.

Mr. Dhruv Mehta, learned senior counsel appearing for the petitioners states that in view of the statement made by the applicant, his client will have no objection if interim order passed on 24.5.2010 is modified to the limited extent of allowing allotment of plots to the members of the applicant.

In view of the above, order dated 24.5.2010 is modified and it is made clear that the order of status quo shall not operate as a bar to the allotment of land to the members of the applicant.

The application is, accordingly, disposed of.

Leave granted.

Interim order dated 24.5.2010, as modified today, is made absolute to last till the disposal of the appeal.

  
(Sukhbir Paul Kaur)  
Court Master

  
(Phoolan Wati Arora)  
Court Master

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

IA No.6 In Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(For vacating stay and office report)

Date: 02/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSHU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Dhruv Mehta, Sr.Adv.  
Mr. Rishi Malhotra, Adv.  
Mr.Prem Malhotra, Adv.

For Respondent(s) Mr.C.S.Vaidyanathan, Sr.Adv.  
Mr.Manish Kumar, Adv.  
Mr. Ansar Ahmad Chaudhary, Adv.

Mr.Manjit Singh, AAG  
Mr.Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.

Mr.Sushil Kumar Jain, Adv.  
Mr.Sanchar Anand, Adv.  
Ms. Pratibha Jain, A.O.R. (Not Present)

Mr. Ravindra Bana, Adv.

Mr. Yash Pal Dhingra, Adv.

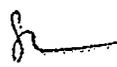
Mr.Imtiaz Ahmed, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Shri Satyabir Singh, the then Land Acquisition Officer,  
Rohtak is directed to appear in person and explain as to what  
circumstances he filed the affidavit in this Court without even  
reading the same.

List the case after 10 days.

  
(Satish K.Yadav)  
Court Master

  
(Phoolan Wati Arora)  
Court Master

ITEM NO. 68

COURT NO. 6

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 6/2011 in Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With appln(s) for vacating stay and office report )

Date: 19/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Neeraj Kr. Jain, Adv.  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

For Respondent(s)

Mr. H.P. Raval, ASG  
Mr. Yashpal Rangi, Adv.  
Mr. Kamal Mohan Gupta, AOR ✓  
  
Mr. Sushil Kr. Jain, Adv.  
Ms. Pratibha Jain, Adv (Not present) ✓  
  
Mr. Ravindra Bana, Adv ✓  
  
Mr. Yash Pal Dhingra, Adv (Not present) ✓  
  
Mr. Ansar Ahmad Chaudhary, Adv  
  
Mr. Intiaz ahmed, Adv. ✓

UPON hearing counsel the Court made the following  
O R D E R

At the request of the learned counsel appearing on  
behalf of Mr. Manjit Singh, learned Additional Advocate

General assisting Shri H.P. Raval, learned Additional  
Solicitor General, list the case on 02.04.2012.

*pl*  
(Parveen K. Chawla)  
Court Master

*M*  
(Phoolan Wati Arora)  
Court Master

ITEM NO.1

COURT NO.6

SECTION IVE

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 6/2011 in Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(for vacating stay and office report)

Date: 14/02/2012 This Petition was called on for hearing today.



BENCH :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv. (Not present)

For Respondent(s)

Mr. H.P. Raval, ASG  
Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv. (Not present)

Ms. Pratibha Jain, Adv (Not present)

Mr. Ravindra Bana, Adv

Mr. Yash Pal Dhingra, Adv (Not present)

Mr. C.S. Vaidyanathan, Sr. Adv.  
Mr. Manish Kumar, Adv.  
Mr. Ansar Ahmad Chaudhary, Adv

M/S. Equity Lex Associates, Adv (Not present)

UPON hearing counsel the Court made the following  
O R D E R

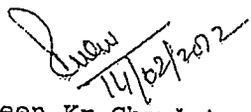
Shri H.P. Raval, learned Additional Solicitor  
General requests for an adjournment on the ground that Shri

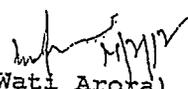
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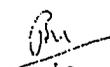
Manjit Singh Dalal, learned Additional Advocate General representing the State of Haryana has not been able to come to the Court due to the demise of his mother.

The request of Shri Raval is accepted and the hearing of the case is adjourned to 13.03.2012.

In the meanwhile, appropriate affidavits on behalf of State of Haryana and HUDA be filed after making available copies thereof to the learned counsel appearing on the other side.

  
(Parveen Kr. Chawla)  
Court Master

  
(Phoolan Wati Arora)  
Court Master

  
14/2

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 6/2011 in Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(for vacating stay and office report )

Date: 02/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For, Petitioner(s)

Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv.

For Respondent(s)

Mr. H.P. Raval, ASG.  
Mr. Tarjit Singh, Adv.  
Mr. Yashpal Ranghi, Adv.  
Mr. Kamal Mohan Gupta, A.O.R.

Ms. Pratibha Jain, Adv (Not present)

Mr. Ravindra Bana, Adv

Mr. Yash Pal Dhingra, Adv (Not present)

Mr. Ansar Ahmad Chaudhary, Adv (Not present)

M/S. Equity Lex Associates, Adv (Not present)

UPON hearing counsel the Court made the following  
O R D E R

The respondent-State is directed to comply with the  
earlier orders of the Court, without fail, within a period

14

of seven days from today.

List the case after four weeks.

*PKC*  
*02/01/2012*

(Parveen Kr. Chawla)  
Court Master

*W.A.*  
*02/01/12*

(Phoolan Wati Arora)  
Court Master

*PKC*  
*02/1*

*W.A.*  
*02/1*

ITEM NO.3

COURT NO.6

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. NO.6 IN

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010 .

(From the judgement and order(s) dated 17/02/2010 in CWP No.2788/2010 of The HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(for vacating stay and office report)

Date: 02/11/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv.

For Respondent(s)  
(HUDA)

Mr. Sanjeev Prakash Sharma, Sr. Adv.  
Mr. Manish Kumar, Adv.  
Mr. Ansar ahmad Chaudhary, Adv. (Not present)

Mr. Manjit Singh, AAG  
Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv. (Not present)

Ms. Pratibha Jain, Adv. (Not present)

Mr. Ravindra Bana, Adv. (Not present)

Mr. Yash Pal Dhingra, Adv. (Not present)

Mr. Dinesh K. Gupta, Adv.

M/S. Equity Lex Associates (Not present)

UPON hearing counsel the Court made the following  
O R D E R

This is an application for vacating interim order

dated 24.5.2010.

Learned Additional Advocate General appearing for the State of Haryana requests for an adjournment to enable him to file better affidavit in terms of the Court's order dated 24.05.2010.

In view of the request made by the learned Additional Advocate General, hearing of the application is adjourned for eight weeks with liberty to the State to file additional affidavit within four weeks..

*Chawla*  
03/01/2011  
(Parveen Kr. Chawla)  
Court Master

*Arora*  
03/11/11  
(Phoolan Wati Arora)  
Court Master

*Chawla*  
03/11

*Arora*  
03/11

ITEM NO.55

REGISTRAR COURT,1

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR H.B. PRABHAKARA SASTRY

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With appln(s) for permission and prayer for interim relief )

Date: 19/08/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Rishi Malhotra, Adv.

For Respondent(s)

Mr Manjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.  
Ms. Pratibha Jain , Adv  
Mr. Ravindra Bana , Adv  
Mr. Yash Pal Dhingra , Adv  
Mr. Ansar Ahmad Chaudhary , Adv  
Mr Intiaz Ahmed, Adv.  
M/S.Equity Lex Associates , Adv

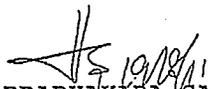
UPON hearing counsel the Court made the following  
O R D E R

The ld. Counsel for respondent No.1 present.

None for the petitioner.

The ld. Counsel said to be appearing for respondent  
No.602 submits that the copy of the petition has not been  
served on him. The ld. Counsel for the petitioner to serve  
copy upon the ld. Counsel for respondent No.602.

List again on 19.9.2011.

  
(H.B. PRABHAKARA SASTRY)  
REGISTRAR

hj

ITEM NO.46  
(In Chambers)

COURT NO.4

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No.2788/  
2010 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(Office Report on default)

Date: 27/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Prem Malhotra, Adv.  
For Mr. Rishi Malhotra, Adv.

For Respondent(s) Mr. Manjit Singh, Adv.  
Mr. Tarjit Singh, Adv.  
For Mr. Kamal Mohan Gupta, Adv.

Mr. Ravindra Bana, Adv.

Ms. Pratibha Jain, Adv. (N.P.)

Mr. Yash Pal Dhingra, Adv. (N.P.)

Mr. Ansar Ahmad Chaudhary, Adv. (N.P.)

M/S. Equity Lex Associates, Advs. (N.P.)

ASTP  
-

10A

UPON hearing counsel the Court made the following  
O R D E R

Learned counsel for the petitioners prays for withdrawal of the fresh application for publication stating that he will file an appropriate application. Leave as prayed for is granted. Application for publication is dismissed as withdrawn.

*ASHT*  
(A.S. BISHT) *27/7*  
COURT MASTER

*4*  
*27/7*

*Neeru*  
*27-07-2011*  
(NEERU BALA VIJ)  
ASSISTANT REGISTRAR

*Pr*  
*27/7*

ITEM NO. 2

COURT NO. 10

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SIA No.5/2011 in Petition(s) for Special Leave to Appeal (Civil)  
No(s).14692/2010(From the judgement and order dated 17/02/2010 in CWP No. 2788/2010  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(for clarification/modification of court's order)

Date: 25/07/2011 This Petition was called on for hearing today.

CORAM :

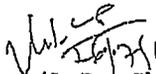
HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTUFor Petitioner(s) Mr. Prem Malhotra, Adv.  
Mr. Rishi Malhotra, Adv.For Applicant(s) Mr. Manish Kumar, Adv.  
Mr. Ansar Ahmad Chaudhary, Adv.For Respondent(s) Mr. Manjit Singh, Addl. Adv. Genl., Haryana  
Mr. Kamal Mohan Gupta, Adv.Mr. Mohan Lal Sharma, Adv.  
Mr. Sushil Kumar Jain, Adv.  
Mr. Imtiaz Ahmed, Adv.  
For M/s. Equity Lex Associates, A.O.R.UPON hearing counsel the Court made the following  
O R D E RThis is an application by Administrator,  
Haryana Urban Development Authority, Rohtak for  
clarification/modification of order dated 24.5.2010  
passed by this Court and to allow the applicant to  
proceed with allotment of freehold residential plots in  
Sector 6, Rohtak on the basis of advertisement -  
Annexure 'A-1'.H.L.  
26/7

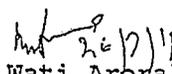
SA

We have heard learned counsel for the applicant, the Additional Advocate General appearing for the State of Haryana and Shri Prem Malhotra, learned counsel appearing for the petitioner.

In our view, there is no valid ground much less justification for entertaining the prayer made in the application because the respondents have not explained as to how the land was released after finalisation of the acquisition proceedings.

With the above observation, the application is dismissed.

  
(A.D. Sharma)  
Court Master

  
(Phoolan Wati Arora)  
Court Master

  
26/7

  
26/7

ITEM NO.6

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (C) NO. 67 OF 2011 IN SLP(C) 14692/2010

RAM KISHAN

Petitioner(s)

VERSUS

DHARAMPAL SINGH NANGAL &amp; ORS.

Respondent(s)

(With office report )

Date: 25/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

Petitioner(s)

Mr. Rishi Malhotra, Adv.  
Ms. Mrinmayee Sahu, Adv.  
Mr. Prem Malhotra, Adv.

For Respondent(s)

Mr. C.S. Vaidyanathan, Sr. Adv.  
Mr. Manish Kumar, Adv.  
Mr. Ansar Ahmad Chaudhary, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties. In view of the averments contained in the affidavit filed by Shri Dharampal Singh Nangal, Chief Administrator, Haryana Urban Development Authority, petition is disposed of as infructuous and the notice of contempt is discharged.

*M.A. Sharma*  
25/4/11  
(A.D. Sharma)  
Court Master

*Phoolan Wati Arora*  
25/4/11  
(Phoolan Wati Arora)  
Court Master

ITEM NO.4

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S .

CONTEMPT PETITION (C) NO. 67 OF 2011 IN SLP(C) No. 14692/2010 (FOR  
PREL. HEARING)

RAM KISHAN

Petitioner(s)

VERSUS

DHARAMPAL SINGH NANGAL &amp; ORS.

Respondent(s)

(With office report)

Date: 18/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms.Mrinmayee Sahu, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Issue notice to respondent No.1, returnable in four  
weeks. Dasti, in addition, is permitted.

In the meanwhile, the Haryana Urban Development Authority  
and all its functionaries are restrained from taking any action in  
furtherance of advertisement Annexure P.2.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master

ITEM NO. 65

REGISTRAR COURT. 2

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR SUNIL THOMAS

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

With appln(s) for permission and prayer for interim relief ))

Date: 27/01/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Rishi Malhotra, Adv.  
Mr. Imtiaz Ahmed, adv.  
Ms. Nagma Imtiaz, adv.

For Respondent(s)

Mr. Kamal Mohan Gupta, Adv.  
Mr. Sanjeev Kumar, adv.  
Mr. Ravindra Bana, Adv  
Mr. Yash Pal Dhingra, Adv  
Mr. Mohan Lal Sharma, Adv  
Mr. Govind Goel, adv.  
M/S. Equity Lex Associates, Adv

UPON hearing counsel the Court made the following  
O R D E R

Ld. counsel for the petitioner has not filed the proof of  
dasti in relation to unserved respondents even after the last  
chance granted. Hence, place the matter before the Hon'ble Judge  
in Chambers for appropriate orders.

  
(Sunil Thomas)

Registrar

SB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR SUNIL THOMAS

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

PAWAN KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for permission and prayer for interim relief )

Date: 14/12/2010 This Petition was called on for hearing today.

For Petitioner(s) Mr. Rishi Malhotra, Adv.  
Mr. Pravesh Sharma, adv.  
Mr. Imtiaz Ahmed, adv.  
Ms. Nagma Imtiaz, adv.

For Respondent(s) Mr. Kamal Mohan Gupta, Adv.  
Mr. Govind Goel, adv.

UPON hearing counsel the Court made the following  
O R D E R

Respondent No.5 has filed vakalatnama. However, it is seen that the name of the party differs. Respondent No.5 is directed to cure the defects. Respondent Nos.2, 6, 7 and 8 have filed counter affidavit. Await return of notice of the remaining respondents. Petitioner is granted four weeks time as a last chance for filing proof of dasti. It is further submitted that vakalatnama has been filed on behalf of Respondent No.602, the name is not being shown. Update the data.

Contd...2

W-D

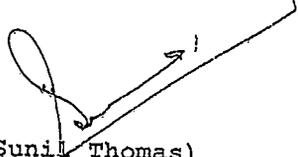
ITEM NO. 66

-2-

Ld.counsel for the petitioner is directed to serve copy of the pleadings within two weeks. File counter affidavit within four weeks thereafter.

List the matter on 27.01.2011.

SB

  
(Sunil Thomas)  
Registrar

ITEM NO.85

REGISTRAR COURT, 2

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR SUNIL THOMAS

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

PAWAN KUMAR & ORS.,

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for permission and prayer for interim relief )

Date: 29/10/2010 This Petition was called on for hearing today.

For Petitioner(s) Mr. Rishi Malhotra, Adv.  
Mr. Imtiaz Ahmed, adv.

For Respondent(s) Mr. Govind Goel, Adv.  
Mr. M.L. Sharma, /adv

UPON hearing counsel the Court made the following  
O R D E R

The served respondents are granted four weeks time for filing counter affidavit. Await return of notice of the unserved respondents.

List the matter on 14.11.2010.

(Sunil Thomas)

Registrar

SB

ITEM NO.42 (CHAMBER)

IN COURT NO.7

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

{From the judgement and order dated 17/02/2010 in CWP No. 2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH}

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(Appln. for impleading the applicants as petitioners)

Date: 20/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
[IN CHAMBERS]

For Petitioner(s)

Mr. Rishi Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Application seeking impleadment of the  
applicants as petitioners is allowed.

*Kalyani Gupta*  
(KALYANI GUPTA)  
SR. P.A.

*Vinod Kulvi*  
(VINOD KULVI)  
COURT MASTER

*Vh*  
20/9

ITEM NO.43

COURT NO.2

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/2010

(From the judgement and order dated 17/02/2010 in CWP No  
2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With app'n(s) for exemption from filing c/c of the impugned  
Judgment and prayer for interim relief )

Date: 24/05/2010 This Petition was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

For Petitioner(s)

Mr. Neeraj Jain, Sr. Adv.  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

One of the grounds urged by the petitioners before the High Court in support of their prayer for issue of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

Prima facie, they are of the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land. However, before finally pronouncing upon the matter, we deem it proper to give an opportunity of hearing to all those whose land was released by the Director, Urban Estate Department by orders dated 12.6.2006 (Annexure P-9) collectively.

The petitioners are directed to implead all such persons as parties to this petition. The needful be done within seven days.

Notice to the respondents including the impleaded respondents, returnable in ten weeks.

Notice on prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo insofar as possession of the acquired land is concerned. This would necessarily mean that the petitioners and the respondents shall not alienate the land/property to any other person in any manner whatsoever and they shall not alter present character thereof.

*Neetu*  
(Neetu Khajuria)  
Sr. P.A.

*Phoolan Wati Arora*  
(Phoolan Wati Arora)  
Court Master

*Handwritten notes:*  
Handwritten signature and date: 25/5/10

*Handwritten notes:*  
Handwritten signature and date: 25/5

ITEM NO.43

COURT NO.2

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14692/20:

(From the judgement and order dated 17/02/2010 in CWP No 2788/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and ~~prayer~~ for interim relief )

Date: 24/05/2010 This Petition was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C.K. PRASAD

(VACATION BENCH)

For Petitioner(s)

Mr. Neeraj Jain, Sr. Adv.

Mr. Rishi Malhotra, Adv.

Mr. Prem Malhotra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

One of the grounds urged by the petitioners before the High Court in support of their prayer for issue of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

Prima facie, we are of the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land. However, before finally pronouncing upon the matter, we deem it proper to give an opportunity of hearing to all those whose land was released by the Director, Urban Estate Department by orders dated 12.6.2006 (Annexure P-9) collectively.

The petitioners are directed to implead all such persons as parties to this petition. The needful be done within seven days.

Notice to the respondents including the impleaded respondents, returnable in ten weeks.

Notice on prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo insofar as possession of the acquired land is concerned. This would necessarily mean that the petitioners and the respondents shall not alienate the land/property to any other person in any manner whatsoever and they shall not alter present character thereof.

*(Neetu Khajuria)*  
25/5/10  
(Neetu Khajuria)  
Sr.P.A.

*(Phoolan Wati Arora)*  
25/5/10  
(Phoolan Wati Arora)  
Court Master

Final  
order & stay  
25/5/10

- (ii) True copy of the releasing order dated 12.6.2006 87-91
  
- 19. ANNEXURE:P-10 92-98  
True copy of the letter dated 3.11.2006
- 20. ANNEXURE:P-11 99-100  
True copy of the representation made by the petitioner dated 25.10.2008
- 21. ANNEXURE:P-12 101-102  
True copy of the representation dated 21.12.2009
- 22. I.A. No. of 2010 103-104  
Application for Exemption from filing certified copy of the impugned order
- 23. Affidavit of Urgency 105-106
- 24. Affidavit of Urgency 107-108
- 25. C/A on b/c R. Nos. 1 & 8 109-122
- 26. C/A on b/c R. Nos. 3 & 8 123-132
- 27. C/A on b/c R. Nos. 2, 6 & 7 133-156
- 28. OR on default etc 0-2-11 156A-156B
- 29. Additional Affidavit on behalf of Respondent No 1 and 9 157-164
- 30. Affidavit of the Petitioners in Reply to the Additional Affidavit filed by Respondents 165-170
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- 32. Additional Affidavit with Annexure A/1 to A/2 (Filed on 24.3.15.) 206-526
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- (ii) True copy of the releasing order dated 12.6.2006 87-91
- 19. ANNEXURE:P-10 92-98  
True copy of the letter dated 3.11.2006
- 20. ANNEXURE:P-11 99-100  
True copy of the representation made by the petitioner dated 25.10.2008
- 21. ANNEXURE:P-12 101-102  
True copy of the representation dated 21.12.2009
- 22. I.A. NO. OF 2010 103-104  
Application for Exemption from filing Certified Copy of the impugned Order
- 23. Affidavit of Urgency — 105-106
- 24. Affidavit of Urgency — 107-108
- 25. C/A on b/o R. Nos. 1 & 9 — 109-122
- 26. C/A on b/o R. Nos. 3 & 8 123-132
- 27. C/A on b/o R. Nos. 2, 6 & 7 133-156
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- ~~1. Affidavit of the Petitioners in Reply to Add. Affidavit filed by Respondent with App. for Permission to file Reply — 165-171~~
- ~~2. Add. Affidavit — 172-698~~
- ~~Filed by - 14, 2, 15, 3, 24, 3, 15, 3~~

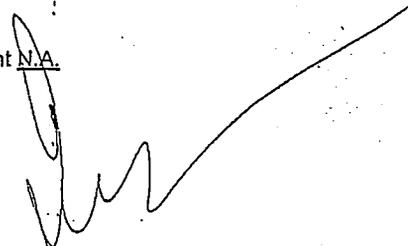


**LISTING PROFORMA  
IN THE SUPREME COURT OF INDIA.**

1. Nature of the matter ... CIVIL/CRIMINAL Civil
2. Name(s) of Petitioner(s)/Appellant(s) Pawan Kumar & Ors.
3. Name(s) of Respondent(s) State of Haryana & Ors.
4. Number of case Special Leave Petition (Civil.) No. \_\_\_\_\_ of 2010
5. Advocate for the Petitioner(s) Mr. Rishi Malhotra
6. Advocate for the Respondent(s) N.A.
7. Section dealing with the matter IVB
8. Date of Impugned Order/Judgment 17.02.10
- 8A. Name of Hon'ble Judges Hon'ble Mr. Justice M.M. Kumar  
Hon'ble Mr. Justice Jitendra Chauhan
- 8B. In Land Acquisition Matters:-
  - i) Notification/Govt. Order No. (U/s 4, 6) u/s 4 of the Land Notification Act  
Dated 30.12.02 Issued by Centre/State of Haryana
  - ii) Exact purpose of acquisition & Village involved N.A.
- 8C. In Civil Matters:-
  - i) Suit No., Name of Lower Court N.A.  
Date of Judgment N.A.
- 8D. In Writ Petitions:-  
"Catchword" of the other similar matters N.A.
- 8E. In Case of Motor Vehicle Accident Matters  
Vehicle No. N.A.
- 8F. In Service Matters:-
  - i) Relevant Service rule, if any N.A.
  - ii) G.O./Circular/Notification, if applicable or in question N.A.
- 8G. In Labour Industrial Disputes Matters:-  
I.D. Reference/Award No., applicable N.A.
9. Nature of Urgency N.A.
10. In case it is a Tax Matter:
  - a) Tax amount involved in the matter - N.A.
  - b) Whether a reference/statement of the case was called for or rejected N.A.
  - c) Whether similar tax matters of same parties filed earlier (may be for earlier/other Assessment Year)? N.A.
11. Valuation of the matter Civil matter
12. Classification of the matter Civil  
(Please fill up the number & name of relevant category with sub category as per the list circulated)  
No. of Subject Category with full name 05 (Land Acquisition & Requisition Matters)  
No. of Subject Category with full name 0501 (Matters Challenging the Acquisition Proceedings)
13. Title of the Act involved (Centre/State) N.A.
  - (a) Sub-Classification (indicate Section/Article of the Statute) N.A.
  - (b) Sub-Section involved N.A.
  - (c) Title of the Rules involved (Centre/State) N.A.
  - (d) Sub-classification (indicate Rule/Sub rule of the statute) N.A.

14. Point of law and question of law raised in the case Whether the Hon'ble High Court was justified in not appreciating the fact that the acquisition is irregular, arbitrary, illegal and unconstitutional and against the provisions of the Land Acquisition Act, 1894?
15. Whether the matter is not to be listed before any Hon'ble Judge?  
Mention the name of the Hon'ble Judge N.A.
16. Particulars of identical/similar cases, if any  
a) Pending cases N.A.  
b) Decided cases with citation N.A.
17. Was S.L.P./Appeal/Writ filed against same impugned Judgment/Order earlier? If yes, particulars N.A.
18. Whether the petition is against interlocutory/final order/decreed in the case Final
19. If it is a fresh matter, please state the name of the High Court and the Coram in the Impugned Judgment/Order passed by the High Court of Punjab and Haryana at Chandigarh by Hon'ble Mr. Justice M.M. Kumar and Hon'ble Mr. Justice Jitendra Chauhan
20. If the matter was already listed in this Court  
a) When was it listed? N.A.  
b) What was the Coram? N.A.  
c) What was the direction of the Court N.A.
21. Whether a date has already been fixed either by Court or on being mentioned, for the hearing of matter? If so, whether a notice has been issued to him? N.A.
22. Is there a Caveator? If so, whether a notice has been issued to him? N.A.
23. Whether date entered in the Computer? N.A.
24. If it is a criminal matter, please state:  
a) Whether accused has surrendered No  
b) Nature of Offence, i.e., Convicted under Section with Act N.A.  
c) Sentenced awarded N.A.  
d) Sentence already undergone by the accused N.A.
25. i) FIR/RC/etc. N.A.  
Date of Registration of FIR etc. N.A.  
Name & Place of the Police Station N.A.  
ii) Name & Place of Trial Court N.A.  
Case No. in Trial Court and Date of Judgment N.A.  
iii) Name & Place of 1<sup>st</sup> Appellate Court N.A.  
Case No. in 1<sup>st</sup> Appellate Court and Date of Judgment N.A.

Dated:- 05.05.2010

  
[RISHI MALHOTRA]  
Advocate for the Petitioner  
Chamber No.131,  
Supreme Court, New Delhi-110001,  
Tel.:- 23389999, Fax: 23389999  
Code:- 1582

MODIFIED CHECK LIST

1. (i) Whether SLP (Civil) has been filed in Form No. 28 with certificate as per Notification dated 17.6.1997. ~~Yes~~/No
- (ii) Whether the prescribed court fee has been paid. ~~Yes~~/No
2. (i) Whether proper and required number of paper-books (1+3) have been filed? ~~Yes~~/No
- (ii) Whether brief list of dates/ events has been filed? ~~Yes~~/No
- (iii) whether paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index? ~~Yes~~/No
3. Whether the contents of the petition/appeal, applications and accompanying documents are clear, legible and typed in double space on one side of the paper. ~~Yes~~/No
4. Whether the petition and the application bear the signatures of the counsel/in- person. ~~Yes~~/No
5. Whether an affidavit of the petitioner in support of the petition/appeal/ application has been filed, properly attested and identified. ~~Yes~~/No
6. If there are any vernacular documents/portions/lines and translation of such documents are not filed, whether application for exemption from filing Official Translation, with affidavit and court fee, has been filed. Yes/No/~~NA~~
7. If a party in the court below has died, whether application for bringing LRs on record indicating the date of death, relationship, age and addresses alongwith affidavit and court fee has been filed. Yes/No/~~NA~~
8. (i) Whether the Vakalatnama has been properly executed by the petitioners/ appellants and accepted and identified by the Advocate and Memo of Appearance filed. ~~Yes~~/No
- (ii) If a petitioner is represented through power of attorney, whether the original power of attorney in English/translated copy has been filed and whether application for permission to appear before the court has also been filed? ~~Yes~~/No

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9. Whether the petition/appeal contains a statement in terms of order XVI/XXI of Supreme Court Rules as to whether the petitioner has filed any petition against the impugned order / Judgment earlier, and if so, the result thereof stated in the petition.

~~Yes/No~~

10. Whether certified copy of the impugned judgment has been filed and if certified copy is not available, whether an application for exemption from filing certified copy has been filed.

~~Yes/No~~

11. Whether the particulars of the impugned judgment passed by the Court(s) below are uniformly written in all the documents.

~~Yes/No~~

12. (i) Whether the addresses of the parties and their representation are complete and set out properly and whether detailed cause title has been mentioned in the impugned judgment and if not, whether the memo of parties has been filed, if required?

~~Yes/No~~

(ii) Whether the cause title of the petition/ appeal corresponds to that of the impugned judgment and names of parties therein?

~~Yes/No~~

13. Whether in case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.

~~Yes/No~~

14. If the petition/appeal is time barred, whether application for condonation of delay mentioning the no. of days of delay, with affidavit and court fee has been filed.

~~Yes/No~~ NA

15. Whether the Annexures referred to in the petition are true copies of the documents before the Court below and are filed in chronological order as per list of dates.

~~Yes/No~~

16. Whether the petition/appeal is confined only to the pleadings in the Court/Tribunal below and

~~Yes/No.~~

If not whether application for taking additional grounds/ documents with affidavit and court fee has been filed.

~~Yes/No~~

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17. (i) In SLP/Appeal against the order passed in Second Appeal whether copies of the orders passed by the Trial Court and First Appellate Court have been filed.

Yes/No/NA ✓

(ii) If required copy of the judgment / order / notification / award etc. is not filed, whether letter of undertaking has been filed in civil matters?

Yes/No/NA ✓

18. In matters involving conviction whether separate proof of surrender in respect of all convicts or application for exemption from surrendering has been filed (Please see judgment dated 16.6.2006 in CrI. Appeal No.685/2006 entitled Mayuram Subramanian Srinivasan Versus C.B.I) ( Copy of surrender proof to be included in the paper books.)

Yes/No/NA ✓

Whether in case where proof of surrender/ separate certificate from the jail Authority has not been filed, an application for exemption from filing separate proof of surrender has been filed.

Yes/No ✓

19. In case of quashing of FIR whether a copy of the petition filed before the High Court under section 482 of Cr.P.C. has been filed.

Yes/No ✓

20. In case of anticipatory bail whether a copy of FIR or translated copy has been filed.

Yes/No ✓

21(i) Whether the complete listing proforma has been filled in, signed and included in the paperbooks?

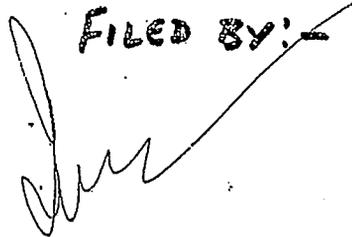
Yes/No ✓

(ii) If any identical matter is pending/disposed of by Supreme Court, whether complete particulars of such matters have been given?

Yes/No/NA ✓

Date: 5/5/10

FILED BY: ✓



[RISHI MALHOTRA]  
Advocate for the Petitioner

SYNOPSIS AND LIST OF DATES

The present special leave petition is being filed against the judgment and order dated 17.02.2010 in C.W.P. No. 2788 of 2010 passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh wherein the Hon'ble High Court dismissed the petition filed by the petitioner without appreciating the material on record.

18.05.1993 That petitioner No.6 i.e The Haryana Roadways Co-operative House Building Society Ltd. (Regd.) Rohtak is a registered Society under the name and style of "The Haryana Roadways Cooperative House Building Society Ltd. (Regd.) Rohtak" which was registered under the Haryana Cooperative Societies Act vide Registration Certificate dated 18.5.1993 which has its own Bye-laws.

That the total number of the members of the Haryana Roadways Co-operative Housing Building Society are 168.

07.04.1998 That after the formation of the Society, the petitioner Society purchased the land measuring 16 kanals out of the land comprised in khasra No.52//2 (8-0), 3 (7-

12), 4 (8-0), 5 (8-0), 6 (8-0), 7 (8-0), 8 (7-12),  
 13 (7-4), 14/1 (6-4), total, measuring 66  
 kanals 18 marlas situated in the revenue  
 estate of village Pada, District Rohtak, copy  
 of sale deed dated 7.4.1998.

10.04.1998

That after carving out the plan, all the  
 member of the Society which are 168  
 members were allotted the plots and  
 possession of the plot was handed over to all  
 them and all were accorded possession  
 certificate dues clearance certificate etc. A  
 true copy of the dues clearance certificate,  
 Agreement and possession certificate dated  
 10.04.1998 are Annexed herewith and  
 marked as ANNEXURE P-1(Pages 32 to

38).

05.06.1999

That the mutation of the same was also  
 done in the name of the Society vide  
 mutation on 5.6.99. A true copy of the  
 mutation of village Pada, HB No. 67 Tehsil  
 and District Rohatak on 5.6.99 is annexed  
 herewith and marked as ANNEXURE P-2  
(Pages 39)

14.07.1999

That, thereafter the owners of the land gave General Power of Attorney in the name of the Society of the total land. A true copy of the General Power of Attorney dated 14.7.1999 is annexed herewith and marked as ANNEXURE P-3(Pages 40 to 41 ).

2000-2001

That the Jamabandi for the year 2000-2001 in respect village Pada Tehsil and District Rohtak, shows the co-ownership of the Society alongwith petitioners. A true copy of the Jamabandi for the year 2000-01 of village Pada Tehsil and District Rohtak, Hadbast No. 67 is annexed herewith and marked as ANNEXURE P-4(Pages 42-44).

That after the registration of the Society, the site plan was made and accordingly plots were carved out.

That the petitioners are annexing the Site plan of Sector 6 for which the acquired land, of the petitioners which is under the possession of the petitioners has been shown in Red Colour. In the site plan, the land which has been left out from the acquisition after section, 5A has been shown in Green Colour and land left out after the award has been shown in Purple colour. This all has been happened in Sector 6 and the same situation exists in Sector 5. Copy of the site plan which is on the basis of Aks Shajra is annexed and marked as ANNEXURE P-5 @ PG.45

01.01.2002

That the respondents issued Notification under Section 4 of the Land Acquisition Act, 1894 bearing No. LAC (F)-2002/NTLA/72 dated 1.1.2002 (Annexure P/12) showing intention to acquire the land of the petitioners for the purpose namely Commercial Sector 6, Rohtak under the Haryana Urban Development Authority Act, 1977 by the HUDA in village Rohtak, HB No. 74 and village Pada, HB 67, Tehsil and District Rohtak. A true copy of the Notification dated 1.1.2002 issued by the Respondent is annexed herewith and marked as ANNEXURE P-6(Pages 46 to 65).

30.1.2002

That the petitioners filed objections under Section 5-A of the Act within the stipulated period stating therein that the land comprised in Khasra Numbers S2//2 (8-0), 3 (7-12), 4 (8-0), 5 (8-0), 6 (8-0), 7 (8-0), 3 (7-12), 13 (7-4), 14/1 (6-4) total measuring 66 Kanals 18 marlas situated in the revenue estate of village Pada, District Rohtak was in

possession of the petitioners and the petitioners carved out the plots and allotted plots to the members of the Society. Out of aforesaid 66 K 18 M of land, land measuring 16 acres was purchased vide sale deed dated 7.4.98 and mutation dated 5.6.1999 was recorded in the name of the petitioner and remaining 52 K 1 M was given to the petitioners after receiving the full and final payment by the seller. And the land was in the possession of the petitioners. A true copy of the objection filed by the petitioner are Annexed herewith and marked as ANNEXURE P-7(Pages 66 to 70).

It is important to mention overhere that The Haryana Roadways Cooperative House Building Society Limited, Rohtak was constituted and registered at Sr.No. 591 (HB) dated 18.5.1993 by the Assistant Registrar Cooperative Societies having the powers of the Registrar Cooperative Societies, Haryana. The above said Society was duly approved by the Registrar. The main objective of the Society is to acquire the land; acquire the same by lease, exchange or otherwise and

construct the houses for its members and the main objective of the society is the same. It is also stated that the demarcation of the land was made and plots were carved out and possession of the plots were given on the basis of the agreement.

30.12.2002

A declaration was made under Section 6 of the Act declaring the land to be acquired in village Rohtak and Pada for public purpose as specified in Notification under Section 6 of the Act. Without giving an opportunity to hear to the petitioners as provided under section 5 A of the Act. A true copy of the Notification issued under Section 6 of the Act dated 30.12.2002 is annexed herewith and marked as ANNEXURE P-8(Pages 7/ to 801).

It is submitted that the notifications which was issued under section 4 & 6 of Act, shows that the land measuring 128.75 acres is to be acquired in village Rohtak and land measuring 434.68 acres is to be acquired in village Pada. A table showing in respect of the land to be acquired on account of the

$$\begin{array}{r} 434.68 \\ 128.75 \\ \hline 6 \end{array}$$

Notification issued under Section 4 and 6 of the Act as well as the land left out from acquisition is given below :-

Name of village	Area mentioned in notification under Section 4 of the Act.	Area mentioned in notification issued under Section 6 of the Act.	Area left out from acquisition after filing of objections under sections 5-A of the Act.
Rohtak	186.79 acres	128.75 acres	58.04 acres
Pada	632.28 acres	434.68 acres	197.60 acres

That the petitioners made the representation even after the declaration under Section 6 of the Act, but no action was taken on the representation of the petitioners. It is not out of place to mention over here that the major chunk of the land which belongs to the influential persons has been left out whereas the land of the petitioner has not been left out. In spite of the assurance given by the respondent that there land will be released from the acquisition.

The respondents sent notices under Section 9 of the Act upon the petitioners without demarcating the land under Sections 7 and 8 of the Act and also showing the site plan.

Petitioners again made a representation. But to no avail.

Some of the land owners challenged the acquisition proceedings in the Hon'ble High Court wherein notice of motion was issued and after notice of motion, the writ petitions came up for hearing and in those writ petitions, the land was released and writ petitions were disposed of.

29.12.2004

During the pendency of the writ petition, the Award was also announced declaring the land needed for the purpose of development and utilization of commercial Sector-6 Rohtak under the Haryana Urban Development Authority in the area of village Rohatak Hadbast No. 74 and village Pada Hadbast No. 67, Tehsil and district Rohatak in connection to the Notification No. LAC(F)-2002/NTLA/72 dated 1st January 2002 under Section 4 f the land Acquisition Act 1984.

That the respondents released the land of various persons after the Award. A true copies of releasing order dated 12.6.2006

list of persons whose land has been left out from the acquisition is ANNEXURE P-9 (Colly) (Pages 8 to 9).

It is pertinent to mentioned over here the respondents have released approximately 600 acres of the land belong to the influential persons out of said acquired land in total. It is further important to mention here that the respondent acquired 800 acres of land for public purpose out of which 600 acres of land have been released after the Award and only 25% land has been acquired. Which shows that the acquisition is full of malafide and it is discrimination between two individuals standing on the same footing as on the one hand land of one person is being acquired whereas the land of other person is being released from acquisition. As the law laid down by this Hon'ble Court as well as Hon'ble Apex Court shows that the releasing of the land after the award where compensation has been received is not allowed under the Act. But even then the State has released the land to

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the extent of 75% out of the total acquisition and that too major portion after the award.

03.11.2006

That the respondent sent a letter to the Administrator HUDA Rohtak stating that where it is stated that the area outside black boundary on the map of the Shajra plan of Sectors 4, 5, 6 be excluded from the acquisition and land being in possession of the owners, however, the land for which compensation has already been accepted would be released only on the recovery of the compensation amount along with 5.5% interest. A true copy of the letter dated 3.11.2006 is annexed herewith and marked as ANNEXURE P-10(Pages 92 to 98 ).

25.10.2008

That the petitioners also made a representation for releasing of the land stating therein that the land of the petitioners be released from the acquisition as the land was purchased for setting up a society and huge investment has been made by the petitioners. A true copy of the representation made by the petitioner dated

25.10.2008 is annexed herewith and marked as ANNEXURE P-11(Pages 99 to 100).

It is pertinent to mention that the land comprised in Khasra No.13, 14/1 has already been released from acquisition and remaining also he released from the acquisition.

21.12.2009

Thereafter, the petitioners again made a representation on 21.12.2009, but there was no redressal to the grievances made by the petitioner in their representation by the respondents. A true copy of the representation on 21.12.2009 is annexed herewith and marked as ANNEXURE P-12(Pages 101 to 102).

17.2.2010.

The petitioner filed the Writ Petition bearing CWP No. 2788 of 2010 before the Hon'ble High Court Punjab and Haryana at Chandigarh praying for quashing notification dated 1.1.2002 issued under Section 4 of the Land Acquisition Act, 1984 and declaration dated 30.12.2002 made under Section 6 of the Act. And the Award

dated 29.12.2004 (P-17) announced by the  
land acquisition collector.

17.02.2010 the Hon'ble High Court vide  
impugned judgment and order dated  
17.02.2010 dismissed the writ petition  
filed by the petitioner.

5.5.2010

Hence the present Special Leave Petition is  
being filed before this Hon'ble Court.

In the High Court for the States of Punjab and  
Haryana at Chandigarh.

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Civil Writ Pet.No. 2788 of 2010

(District \_\_\_\_\_ Rohtak)

1. Pawan Kumar son of Sh. Ram Kumar
2. Rohit Kumar son of Sh. Ranbir Singh
3. Smt. Sarla Devi wd/o Sh. Ranbir Singh son of  
Shri Mange Ram.
4. Ram Kumar
5. Ramesh Kumar

both sons of Mange Ram

All residents of Village Pada, Tehsil and  
District Rohtak.

Petitioners No. 4 and 5 through their General  
Power of Attorney The Haryana Roadways

Cooperative House Building Society Limited

*Sector-6, Teh. & Dist. Rohtak*  
(Regd.)<sup>^</sup> through its President Shri Ram Kishan

Kumar.

6. The Haryana Roadways Cooperative House  
*Sector-6, Teh. & Dist. Rohtak*  
Building Society Limited (Regd.)<sup>^</sup> through its  
President Shri Ram Kishan.

--- Petitioners

versus

1. State of Haryana through its Commissioner and Secretary to Government Haryana, .. Urban Estate Department, Haryana Civil Secretariat, Chandigarh.
2. The Chief Administrator, Haryana Urban Development Authority, Sector 6, Panchkula.
3. The Director, Town and Country Planning, Haryana, Sector 18, Chandigarh.
4. The Director Industries, Haryana, Sector 17, 30 Bays Building, Chandigarh.
5. The Managing Director, Haryana State Industrial & Development Corporation, Sector 6, Panchkula (Haryana).
6. The Administrator, Haryana Urban Development Authority, Hisar.
7. The Administrator, Haryana Urban Development Authority, Rohtak.
8. The District Town Planner, Rohtak.
9. Land Acquisition Collector, Urban Estate, Haryana, Hisar.

10. Union of India through its Secretary,  
Ministry of Development & Poverty  
Alleviation, Government of India, New  
Delhi.

11. National Capital Region Planning Board,  
through its Member Secretary, 1<sup>st</sup> Floor,  
Zone IV, India Habitat Centre, Lodhi  
Road, New Delhi - 110 003.

12. DAV School, Kheri Sadh, Tehsil and  
District Rohtak, through its Principal.

13. M/s. Micron Precision, Kheri Sadh, Tehsil  
and District Rohtak, through its Managing  
Director.

14. M/s. Uddar Gagan Properties Properties  
Private Limited having its Registered  
Office at N-49, 1<sup>st</sup> Floor, Cannaught  
Place, New Delhi - 110 001 through its  
Director Mr. Ashok Bansal son of Shri  
Kishan Bansal.

15. Smt. Krishna Devi wife of Sh. Suraj Mal

16. Smt. Maya Kaur W/o Sh. Rameshwar

17. Smt. Sojo W/o Sh. Hoshiar Singh

18. Hari Singh son of Shri Rati Ram

All are residents of Village Garhi Bohar,  
Tehsil and District Rohtak.

...Respondents

Civil Writ Petition under Articles  
226/227 of the Constitution of India for  
the issuance of a writ in the nature of  
certiorari quashing the Notification  
under Section 4 of the Land Acquisition

Act, 1894 bearing No. LAC (F)-2002/NTLA/72 dated 1.1.2002 annexed with the writ petition as ANNEXURE P/12 and Notification under Section 6 of the Land Acquisition Act, 1894 bearing No. LAC (F)-NTLA-2002/128 dated 30.12.2002 annexed with the writ petition as ANNEXURE P/14 and Award dated 29.12.2004 (Annexure P/17) announced by the Land Acquisition Collector, 1894 being illegal, arbitrary, constitutional and irregular is not in accordance with the provisions of the Land Acquisition Act, 1894 and further directly hit by Articles 14, 16, 19, 21, 31 of the Constitution of India.

And

A writ in the nature of certiorari quashing the acquisition proceedings as no opportunity of ample hearing has been given to the petitioners under section 5-A of the Act and declaration under

section 6 of the Land Acquisition Act, 1894 has been declined in contravention to the provisions of Section 5-A of the Land Acquisition Act, 1894 and also Section 6 (1) of the Act.

And

A writ in the nature of certiorari be issued declaring the acquisition proceedings illegal, arbitrary, unconstitutional and irregular as the provisions of Land Acquisition Act, 1894 i.e. Sections 4, 5A, 6, 7, 8, 9, 11, 45 have not been complied with; being so, the acquisition is in contravention of the provisions of Articles 14, 16, 19, 21, 31, 300-A of the Constitution of India; further it is in contravention of Sections 11, 12 (1), 19, 27, 28, 29 of the National Capital Region Planning Board Act (No. 2 of 1985 ) and in contravention to the National Capital Regional Plan of 2001;

And

A writ in the nature of mandamus be issued declaring the acquisition proceedings being illegal, arbitrary, unconstitutional and irregular and against the law laid down by the Hon'ble Supreme Court of India in Ghaziabad Shiromani Sahkari Avas Samiti Limited and Anr. Versus State of UP and others, reported as 1990 (1) Recent Revenue Reports 281 and National Fertilizers Employees Cooperative Housing Society Limited versus State of Haryana and others, reported in Vol. CXX-(1998-3), Punjab Law Reporter, 619 as the land was purchased by the petitioner Society after forming a Society under the name and style of The Haryana Roadways Co-operative House Building Society Ltd. (Regd.) Rohtak, registered at 591-HB, Rohtak;

And

A writ in the nature of mandamus be issued declaring the acquisition proceedings as illegal, arbitrary,

unconstitutional and irregular in view of the law laid down in Ghaziabad Shiromani Sahkari Avas Samiti Limited and Anr. Versus State of UP and others, reported as 1990 (1) Recent Revenue Reports 281 wherein it has been held that low paid employees forming Co-operative Societies and acquiring land for residential accommodation - Development Authority whether can acquire said land for same purpose- Held, to meet the requirement of members of Cooperative Society an area of 22 acres of land deleted from Notification of acquisition. This law was followed by the Hon'ble High Court in National Fertilizers Employees Cooperative Housing Society Limited versus State of Haryana and others, reported in Vol. CXX-(1998-3), Punjab Law Reporter, 619 wherein it was held that petitioner is an Employee Cooperative House Building Society and the land has been purchased by the Society for the purpose of developing a colony for

residential purpose - purpose of acquisition is also the same - Development Authority constituted by the State Government for the same purpose would not be permitted to acquire the land to their prejudice and there was no justification for depriving the petitioners of the land.

And

A writ in the nature of mandamus be issued declaring the acquisition proceedings as illegal, arbitrary, unconstitutional and irregular as the respondents have released some part of the land of the petitioner society comprising of some khasra numbers and has not left out the other land of the petitioner society out of same khasra number; being so, the discrimination has been done by the respondents by not releasing the total land and only the small portion of the land which has been described in the body of the writ petition;

And

Further a writ in the nature of mandamus and certiorari be issued quashing the acquisition proceedings being illegal, arbitrary, unconstitutional and irregular as the respondents after announcing the Award dated 29.12.2004 (Annexure P/17) have released the land approximately 400 acres, the annexure of which has been annexed with the writ petition as ANNEXURE P/15 and land has been left out after the Award No. 3 dated 29.12.2004 and if the land as mentioned in the annexure P/15 can be released after the award, then the petitioners' land can also be released after the Award, but the land of the petitioners have not been released, but the land of the persons mentioned in the body of the writ petition has been released.

And

A writ in the nature of mandamus/certiorari be issued declaring the acquisition proceedings as illegal,

arbitrary, unconstitutional and irregular and quashing the same on the ground that the respondents vide letter dated 3.11.2006 (Annexure P/16) have stated that the persons whose land has been released and compensation has been received, they are directed to deposit the compensation so received @ of 5.5% interest per annum and their land stands released, but the petitioners have not received the compensation till date and their land is not being released. Therefore, such acquisition proceedings is illegal, arbitrary, unconstitutional and irregular and directly hit by Articles 14, 16, 19, 21, 31 of the Constitution of India.

And

A writ in the nature of mandamus and certiorari be issued declaring the acquisition proceedings as illegal, arbitrary, unconstitutional and irregular in view of the law laid down by the Hon'ble Supreme Court of India and

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Hon`ble High Court in various judgements and also according to the Policy framed by the respondents that if there is construction prior to the issuance of notification issued under 5 of the Act and the same be released from acquisition;

And

A writ in the nature of mandamus directing the respondents not to dispossess the petitioners as the petitioners are owner in possession of the land and compensation has not been received.

And

Any other writ, order or direction which in the circumstances of this case, this Hon`ble Court deems fit and proper may also be passed.

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Respectfully showeth :-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP NO.2788 of 2010

Date of Decision: February 17, 2010

Pawan Kumar and others ---Petitioners

Versus

State of Haryana and others ---Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR  
HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.L. Sharma, Advocate,  
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

M.M. KUMAR, J.

The petitioners have approached this Court with the prayer for quashing notification dated 1.1.2002 (P-12) issued under Section 4 of the Land Acquisition Act, 1894 (for brevity, 'the Act') and declaration dated 30.12.2002, made under Section 6 of the Act. The petitioners have also challenged the award dated 29.12.2004 (P-17) announced by the Land Acquisition Collector.

The principal ground raised for challenging the aforesaid notifications is that opportunity of hearing under Section 5-A of the Act was not afforded and the land of influential persons has been released. The details of the released land has been mentioned in Annexure P-15, which refers to filing of various writ petitions including CWP Nos. 19095 of 2001, 19095 of 2004, 18988 of 2004 and 18792 of 2004. The petitioners have also urged that the land has also been released on 12.6.2006 (P-24 & P-25).

We have heard learned counsel for the petitioners at a considerable length and find that the land belonging to the petitioners has been acquired on the announcement of award dated 29.12.2004 (P-17). A perusal of the award shows that the possession of the land belonging to those persons was taken who had not filed any petition. It has referred to seven pending writ petitions and recorded a finding that the land of which possession has been taken vests in the ownership of the Haryana Government and on transfer would vest in the Haryana Urban Development Authority (HUDA) free from all encumbrances from the date of the award i.e. 29.12.2004. Accordingly, there is no escape from the conclusion that the land free from all encumbrances under Section 16 and 17 vests with the State. It cannot, thus, be excluded from acquisition. Moreover, there is no explanation why the petitioners remained silent over five years in

availing the remedy of the petition and why they waited for so long. In support of the aforesaid view we place reliance on the judgment of Hon'ble the Supreme Court C. Padma v. Deputy Secretary to the Government of Tamil Nadu, (1997) 2 SCC 627.

The only argument raised by Mr. M.L. Sharma, learned counsel for the petitioners is that in cases of other persons, land has been released even after passing of award and taking of possession. Firstly, it may not constitute a valid basis for the petitioners to challenge the acquisition because any illegal action of the respondent State would not result into issuance of any positive direction to continue committing that illegality. Moreover, from the details furnished by the petitioners in the form of orders dated 12.6.2006 (P-24 and P-25) it appears that those petitioners had filed some petitions and they were directed to withdraw the same.

In view of the above, we do not find any ground to admit this petition. Accordingly, this petition fails and the same is dismissed.

(M.M. KUMAR)  
JUDGE

(JITENDRA CHAUHAN)  
JUDGE

February 17, 2010

//TRUE COPY//

IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION  
 SPECIAL LEAVE PETITION 14692  
 S.L.P.(CIVIL) NO. OF 2010  
 WITH PRAYER FOR INTERIM RELIEF

BETWEEN	Position of parties	
	In the High Court	In this Court
1. Pawan Kumar son of Sh. Ram Kumar	Petitioner No.1	Petitioner No.1
2. Rohit Kumar son of Sh. Ranbir Singh	Petitioner No.2	Petitioner No.2
3. Smt. Sarla Devi wd/o Sh. Ranbir Singh son of Shri Mange Ram.	Petitioner No.3	Petitioner No.3
4. Ram Kumar	Petitioner No.4	Petitioner No.4
5. Ramesh Kumar Both sons of Mange Ram	Petitioner No.5	Petitioner No.5
<p>All residents of Village Pada, Tehsil and District Rohtak.          Petitioners No.4 and 5 through their General power of Attorney The Haryana Roadways Cooperative House Building Society Limited (Regd.) Sector-6 The &amp; Distt Rohtak through its President Shri Ram Kishan Kumar S/o Sh.Dhan Singh.</p>		
6. Haryana Roadways Cooperative House Building society Limited		

(Regd) Sector -6 the &  
Distt Rohtak Through its  
President Shri Ram  
Kishan.

Petitioner      Petitioner  
No.6              No.6

AND

1. State of Haryana through  
its Commissioner and  
Secretary to Government  
Haryana, Urban Estate  
Department, Haryana  
Civil Secretariat,  
Chandigarh.                      Respondent      Respondent  
No.1              No.1
2. The Chief Administrator,  
Haryana Urban  
Development Authority,  
Sector 6, Panchkula,  
Haryana                      Respondent      Respondent  
No.2              No.2
3. The Director, Town and  
Country Planning,  
Haryana, Sector 18,  
Chandigarh.                      Respondent      Respondent  
No.3              No.3
4. The Director Industries,  
Haryana, Sector 17, 30  
Bays Building,  
Chandigarh.                      Respondent      Respondent  
No.4              No.4
5. The Managing Director,  
Haryana State Industrial  
& Development  
Corporation, Sector 6,  
Panchkula (Haryana).                      Respondent      Respondent  
No.5              No.5
6. The Administrator,  
Haryana Urban  
Development Authority,  
Hisar                      Respondent      Respondent  
No.6              No.6

7. The Administrator,  
Haryana Urban  
Development Authority,  
Rohtak, Haryana Respondent Respondent  
No.7 No.7
8. The District Town  
Planner, Rohtak, Haryana Respondent Respondent  
No.8 No.8
9. Land Acquisition  
Collector, Urban Estate,  
Haryana, Hisar, Haryana Respondent Respondent  
No.9 No.9
10. Union of India through its  
Secretary, Ministry of  
Development & Poverty  
Alleviation, Government  
of India, New Delhi. Respondent Respondent  
No.10 No.10
11. National Capital Region  
Planning Board, through  
its Member Secretary, 1<sup>st</sup>  
Floor, Zone IV, India  
Habitat Centre, Lodhi  
Road, New Delhi - 110  
003. Respondent Respondent  
No.11 No.11
12. DAV School, Kheri Sadh,  
Tehsil and District  
Rohtak, through its  
Principal. Respondent Respondent  
No.12 No.12
13. M/s. Micron Precision,  
Kheri Sadh, Tehsil and  
District Rohtak, through  
its Managing Director. Respondent Respondent  
No.13 No.13
14. M/s. Uddar Gagan  
Properties Private Limited  
having its Registered  
Office at N-49, 1<sup>st</sup> Floor,  
Cannaught Place, New  
Delhi - 110 001 through

- its Director Mr. Ashok Bansal son of Shri Kishan Bansal. Respondent No.14 Respondent No.14
15. Smt. Krishna Devi wife of Sh. Suraj Mal Respondent No.15 Respondent No.15
16. Smt. Maya Kaur W/o Sh. Rameshwar Respondent No.16 Respondent No.16
17. Smt. Sojo W/o Sh. Hoshiar Singh Respondent No.17 Respondent No.17
18. Hari Singh son of Shri Rati Ram  
All are residents of Village Garhi Bohar, Tehsil and District Rohtak. Respondent No.18 Respondent No.18

All are contesting Respondents.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The petitioner above named respectfully submits this petition seeking Special Leave to appeal from the final Judgement and Order dated 17.02.2010 of the High Court of Punjab and Haryana at Chandigarh in CWP No. 2788 of 2010, wherein, the Hon'ble High Court dismissed the Writ Petition filed by the petitioners.

2. QUESTIONS OF LAW:

The following important questions of law of general public importance arise for the consideration of this Hon'ble Court in the instant Special Leave petition:

- i) Whether the Hon'ble High Court was justified in not appreciating fact that the acquisition is irregular, arbitrary, illegal and unconstitutional and against the provisions of the Land Acquisition Act, 1894.
- ii) Whether the Hon'ble High Court was justified in not appreciating fact that the petitioners land can be released from the acquisition in view of the law laid down by the this Hon'ble Court of India in Ghaziabad Shiromani Sahkari Avas Samiti Limited and Anr. Versus State of UP and others, reported as 1990 (1) Recent Revenue Reports 281 and National Fertilizers Employees Cooperative Housing Society Limited versus State of Haryana and others, reported in Vol. CXX-(1998-3), Punjab Law Reporter, 619?
- iii) Whether the Hon'ble High Court was justified in not appreciating fact that the acquisition is directly hit by Articles 14, 16, 19, 21, 31 of the Constitution of India as there is a discrimination between two individuals standing on the same footing?
- iv) Whether the Hon'ble High Court was justified in not appreciating the fact that the acquisition and releasing

- of the land is in a selective, elective and with colourable exercise of the powers and also with full of malafide?
- v) Whether the Hon'ble High Court was justified in not appreciating that the facts that the respondents have given a wrongful gain to the persons whose land has been left out from the acquisition after the award despite the fact that they have not taken stay from the court and have also not filed the writ petitions?
- vi) Whether the Hon'ble High Court was justified in not appreciating the facts that the respondents can release the land after the award when the land vests with the acquiring authority free from all encumbrances under section 16 of the Act?
- vii) Whether the Hon'ble High Court was justified not appreciating the facts that the State can release the land after the Award without obtaining any stay from the Hon'ble Court and after vesting the land with the acquiring authority, the petitioners have a right to invoke the writ jurisdiction of this Hon'ble Court by way of filing the writ petition after the award?

3. DECLARATION IN TERMS OF RULE 4(2):

The petitioner states that he has not filed any other Petition seeking leave to appeal from the impugned Judgement and Order.

4. DECLARATION IN TERMS OF RULE 6:

The annexures produced along with the Special Leave petition are true copies of the documents which formed part of the records of the case in the Courts below against whose Order the leave to appeal is sought for in this petition.

5. FOUNDATIONS

The petitioner submits that leave to appeal is sought for on the following grounds:

- 1) That the Hon'ble Court was not justified in not appreciating the fact that the act of the respondents is illegal, arbitrary, unconstitutional, and irregular, against the provisions of the Land Acquisition Act, 1894 and NCR Act and the land of the petitioners is liable to be released.
- 2) That the Hon'ble Court was not justified in not appreciating the fact that the act of the respondents is illegal, arbitrary, unconstitutional and irregular as the provisions of Sections 3, 4, 5, 6, 7, 8, 9, 11, 45 of the Land Acquisition Act 1894 have not been complied with and the aforesaid sections are mandatory in view of the provisions of Article 300-A of the Constitution of India. As there is no publication of the notification in view of

the provisions of the Act and there is no enquiry under Section 3-A of the Act which is mandatory. The survey has also not been done which too is mandatory. Therefore, the acquisition proceedings are illegal, arbitrary, unconstitutional and irregular.

- 3) That the Hon'ble Court was not justified in not appreciating the fact the acquisition is also hit by Articles 14, 16, 19, 21, 31 and 300-A of the Constitution of India as the provisions of Sections 3, 4, 5, 6, 7, 8, 9, 11, 45 of the Act has not been complied with. Section 5 reveals that provisions of section 5 of the Act are mandatory and it has to be complied with. Similarly, the provisions of Sections 7 and 8 are also mandatory and section 9 is also mandatory. Even Sections 45 of the Act is also mandatory and non compliance of the same renders the acquisition as illegal, arbitrary, unconstitutional and irregular.
- 4) That the Hon'ble Court was not justified in not appreciating the fact the Society has been formed prior the notification under Section 4 of the Act. The land has been purchased and the plots have been carved out. Allotment letters have been issued prior to the issuance of notification under Section 4 of the Act. But even this land is not being left out from acquisition. In view of the

law laid down in Ghaziabad Shiromani Sahkari Avas Samiti Limited and Anr. Versus State of UP and others, reported as 1990 (1) Recent Revenue Reports 281 and National Fertilizers Employees Cooperative Housing Society Limited versus State of Haryana and others, reported in Vol. CXX-(1998-3), Punjab Law Reporter, 619 when a society has been set up and plots have been carved out, the land deserves to be released from the acquisition.

- 5) That the Hon'ble Court was not justified in not appreciating the fact that there is a discrimination between the two individuals standing on the same footing while releasing the land of one individual and acquiring the land of other individual.
- 6) That the Hon'ble Court was not justified in not appreciating the fact that in the present case, there is discrimination on two scores one at the time of not accepting the objections filed by the petitioners under Section 5 A of the Act and accept the objections of others particularly knowing that the land has been purchased by the Society and society has been set up and plots have been carved out and allotted to the allottees, but the land has not been left out from acquisition.

7) That the Hon'ble Court was not justified in not appreciating the fact that land of the influential persons have been released even after the passing of the Award pertaining to the notification under Section 4 of the Act, the, but the land of the petitioners was not released which is selective and elective acquisition. On second occasion, the discrimination has been made by the respondents as is revealed from the facts narrated in the body of the writ petition that other land owners filed writ petition in this Hon'ble High Court, notice of motion was issued and after notice of motion, the award was announced and after the award, big chunk of the land was released from the acquisition and the same has also been reproduced in the body of the writ petition. But even then the land of the petitioners was not released. On 3rd occasion, the respondents released the land after the award which has also been mentioned in the body of the writ petition and also the list of the persons whose land has been left out after the award has been announced. Which shows which is as smells out that there is discrimination between two individuals standing on the same footing on three occasions and it is a selective acquisition with the whims of the respondents and otherwise amounts to colourable exercise of the powers with mala fide motive.

9) That the Hon'ble Court was not justified in not appreciating the fact apart from discrimination, State and individuals are standing on the same footing. In case State can release the land after the award when the compensation is received and possession also been taken, then the petitioner's case is on the better footing as the petitioners have not received the compensation and possession is also with the petitioners. If the State can release the land after the award, having no power to release the land after the award and if they have to utilize the powers, it is open to judicial review and it gives rights to the petitioner to get his land also released after the award by filing the present writ petition challenging the validity of the award on the ground that the land which was acquired and has vested with the acquiring authority free from all encumbrances, then that land can not be taken out without any rhyme and reasons. The land of the petitioners can also be taken out of the award and if its not taken out then it indicates discrimination between the two individuals standing on the same footing. Further the State Government is creating a discrimination in naked eye by using colourable exercise of powers. If releasing the land after the award of one individual, though the land is

vacant and also issuing the letter that the amount have been received be deposited and land stand released, then the case of the petitioner is also on much better footing. He has not received the compensation and possession is also with the petitioners. Therefore, it amounts to exercise the powers. The selection which naked eye discrimination between two individuals, is hit by Articles 14, 16, 19, 21, 31 of the Constitution of India.

- 10) That the Hon'ble Court was not justified in not appreciating the fact the acquisition is also against the law laid down in Hon'ble Supreme Court of India in BEML Employees House Building Cooperative Society versus State of Karnataka wherein it has been categorically held that discriminatory, arbitrary and illegal acquisition is not sustainable in the eyes of law and that too without any cogent reasons.
- 11) That the Hon'ble Court was not justified in not appreciating the fact that acquisition was held to be full of arbitrariness and coparceners and against the rules of natural justice.
- 12) That the Hon'ble Court was not justified in not appreciating the fact the acquisition is irregular, arbitrary, illegal and unconstitutional on the ground

that the State has passed the resolution in accordance with the Article 252 of the Constitution of India for participating in the NCR Act and making development in the area of NCR Plan and participating the other State and development will be done in accordance with the provisions of NCR Act and therefore, NCR Act is applicable in the present case. But the provisions of NCR Act have not been complied with and non-compliance of the same renders the acquisition as illegal, arbitrary, unconstitutional and irregular. As the provisions of NCR Act categorically provides that NCR Act was enacted superseding all the existing laws to the contrary, for regulating the proper and development of the region surrounding the National Capital Region, Delhi. Specified area forming part of the State of Haryana, Rajasthan, UP which adjoins the boundaries of the State of Delhi have been included in the region and approved by the National Capital Regional Planning Board, New Delhi constituted under the above said Act. Therefore, its compliance was indispensable. But in the present case, acquisition, no compliance of the provisions of the NCR Act has been made and non-compliance of the same renders the acquisition proceedings as illegal, arbitrary, unconstitutional and irregular.

6. GROUND FOR INTERIM RELIEF:

- 6.1. That prima facie the petitioner have a very good case and is likely to succeed from this Hon'ble Court.
- 6.2 That the balance of convenience is in favor of the petitioner.
- 6.3 That in case the petitioner is not granted stay as prayed for the petitioner will be disposed and suffer an irreparable loss and injury.
- 6.4 That the justice will be sub-served if the operation of the impugned order is stayed, pending the hearing and final disposal of the present Special Leave Petition.
- 6.5. That the grounds raised in para (5) herein above may kindly be read as grounds for interim relief also.

7. MAIN PRAYER

It is, therefore, just and necessary, and the petitioner respectfully prays that this Hon'ble Court may be pleased to

- (i) grant special leave under Article 136 of the Constitution of India to appeal from the final Judgement and Order dated 17.02.2010 of the High Court of Punjab and Haryana at Chandigarh in CWP No. 2788 of 2010; and,
- (ii) pass such further or other order or orders as may be just and necessary under the circumstances of the case.

8. PRAYER FOR INTERIM RELIEF

The petitioner respectfully prays that this Hon'ble Court maybe pleased to:

- i) stay the operation and implementation of the final Judgement and Order dated 17.02.2010 of the High Court of Punjab and Haryana at Chandigarh in CWP No. 2788 of 2010;
- (ii) pass an ad interim ex-parte stay in terms of prayer (i) above pending notice to the respondent and stay the dispossession of the petitioner on the land in dispute;
- (iii) make it absolute after notice to the respondent, and,
- (iv) pass such further or other order or orders as may be just and necessary under the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS  
IN DUTY BOUND SHALL EVER PRAY.

FILED BY

[RISHI MALHOTRA]  
ADVOCATE FOR THE PETITIONER

Drawn on: 4.5.2010

Filed on. 5.5.2010

IN THE SUPREME COURT OF INDIA  
[CIVIL APPELLATE JURISDICTION]

SPECIAL LEAVE PETITION (C) NO. \_\_\_\_\_ OF 2010

IN THE MATTER OF:

Pawan Kumar and ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

C E R T I F I C A T E

"Certified that the Special Leave Petition is confined only to the pleading before the Court/Tribunal whose order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/Annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. The certificate is given on the basis of the instructions given by the petitioner/person authorised by the petitioner whose affidavit is filed in support of the Special Leave Petition."

FILED BY:

[Rishi Malhota]

Advocate for the Petitioners.

Date: 5.5.2010

Place: New Delhi

IN THE SUPREME COURT OF INDIA  
[CIVIL APPELLATE JURISDICTION]  
SPECIAL LEAVE PETITION (C) NO. \_\_\_\_\_ OF 2010  
IN THE MATTER OF:

Pawan Kumar & Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

AFFIDAVIT

I, Pawan Kumar S/o Sh. Ram Kumar, R/o Village Pada, Tehsil and District Rohtak, Haryana, at present at New Delhi, do hereby solemnly state and affirm as under:-

1. That I am petitioner No.1 in the above mentioned matter and am well conversant with the facts of the case on the basis of record and competent to swear this affidavit.

2. That I have read and understood of the contents of the accompanying Special Leave Petition and the List of Dates and state that the facts stated in pages B to M of list of dates and paragraphs 1 to 8 of the Special Leave Petition at pages 15 to 31 and I.As and are true to my knowledge, derived from the perusal of record.

3. That I state that the annexures annexed to the special leave petition are true/photostat copies of the respective originals.

4. That I verify that the facts stated in paragraphs 1 to 3 hereinabove are true to my knowledge and no part of it is false and nothing material is concealed therefrom.

Verified at New Delhi on this 5<sup>th</sup> day of May, 2010.

DEPONENT.

ANNEXURE P/1

THE HARYANA ROADWAYS CO-operative House Building  
Society Ltd. (Regd.) Rohtak - 124 001.

## POSSESSION CERTIFICATE

I, Mange Ram son of Sh. Roop Chand, has  
been over the physical possession of the Plot No.  
153 measuring 54 x 32 = 263 sq. yards as allotted  
to me today on 10.4.1998 with all fittings and  
fixtures etc. to my complete satisfaction.

I also undertake to abide by all the  
rules, Regulations and Co-operative Bye laws and  
the decisions and directions of the Managing  
Committee of the Society from time to time.  
Further construction and maintenance of the unit  
in above said plot will be carried out co-  
operative as per norms and directions of the  
Managing Committee as applicable to the members.

Dated: 10.4.98

Signature \_\_\_\_\_

Sd/- Mange Ram

Plot No. 153

The Haryana Roadways Co-op. House Building  
Society Ltd. (Regd.)

Possession Certificate (Part B)

This is to confirm that the Physical possession  
of the plot No. 153 in Block No. measuring 54 x  
32 Ft 263 sq. yards on the East side lalway 54  
West side Road ; South side 152; and north side  
land Udesh Singh has been handed over to Sh./Smt.  
Mange Ram son of Roop Chand personally.

This letter authorizes Sh./Smt. Mange Ram  
to apply for individual connections and service  
like water, electric, sewer, Gas and Telephone in  
this plot shown as below :-

Sd/- President/Secretary

For Haryana Roadways Coop. House  
Building Society Ltd. (Regd.) Rohtak.

The Haryana Roadways Coop. House Building Society  
Ltd. (Regd.)

Rohtak 124001

Dues Clearance letter

This is to inform that Sh. Mange Ram son of Roop Chand member of this society having Membership No. 119 and has been allotted plot No. 153 measuring  $54 \times 32 = 263$  sq. yards has cleared his/her dues till this date and is eligible for taking physical possession of the said unit.

Dated: 10.4.98.

References: Copy of the file No. \_\_\_ sd/-

Ledger A/c No. 125

President/Secretary

For Haryana Roadways Coop. House  
Building Society Ltd. (Regd.) Rohtak

## AGREEMENT

This deed of Agreement is made at Rohtak on this 10.4.98 day of April, 1998 between the Haryana Roadways Cooperative House Building Society Ltd., a society registered under the Haryana Cooperative Societies Act, 1984 having its Registered office at 112/10 Sonapat Road, Rohtak.

AND

Shri Mange Ram son of Roop Chand, a bonafide and legal member of the said Society having membership No. 119 (hereinafter called the Member) of the other part.

Both these expressions the Society and member shall mean and include their heirs, legal representative, administrators, executors nominees and assignees.

Whereas the Society is a House Building Cooperative Society duly registered under and governed by Haryana Cooperative Societies Act, 1984 and the rules framed thereunder and the registered byelaws of the Society bearing registration No. 591 HB .

Whereas the Member had applied for and was granted the membership of the Society which is still subsisting as Membership No. 119.

#### SCHEDULE OF LAND

A piece of land measuring about acres at Near New Bus Stand, Rohtak which is bounded as under :-

East: Railway line                      North: 22' Road  
West: Land Krl Mange Ram              South: Land Uday Singh  
And sons.

Whereas the Society has constructed units in the piece of land described in schedule above a colony know as privahan Nagar.

The full postal address of the Society is Haryana Roadways Cooperative House bulding Society Ltd Sonapat Road, Rohtak.

The still will be used for common purpose like parking of vehicles as provided in the scheduled/proposed plan or for community functions.

As specified in the Lay out Plan of the Privahan Nagar besides, there are common areas for use of the plot holder. Now this deed witnessth as under :-

1. All previous agreements Bonds, Surities demand notices raised by the society, on any other correspondences shall form an integral part of this agreement.

2. that the relationship between the Society and the Member shall be governed by the provisions of the Haryana Cooperative Act, 1984 for the co-operative House building societies in Haryana.

3. That the member shall not conduct himself in any manner, prejudicial to the interest of the society or its members. In case of any grievances if, the cooperative and in case if nonstisfaction, the matter in request may be referred for discussion in the General Body meeting, whose decision shall be final and binding on the member.

Any dispute or differences between the society and the Member arising out or relating to this agreement or the bye laws of the Society shall be referred to the sole arbitration of an arbitrator to be appointed by the President of the Society in consultation with the Managing Committee.

In witness whereof both this agreement  
have set their hands at Rohtak on the day, month  
and year herein above mentioned.

Society

Member

The Haryana Roadways Cooperative  
House Building Society Ltd. (Regd.)

Sd/-President/Secretary

Witnesses

1. sd/-

2. sd/-

Witnesses

1. sd/-

2. sd/-

sd/- Ram Dhari, documents Writer,

Rohtak.

R.No. 470

20.5.2000

True copy

Advocate



## GENERAL POWER OF ATTORNEY

Stamp Paper for Rs.15/- only

We, (1) Mange Ram S/o Rop Chand, (2) Ramesh Kumar, (3) Ram Kumar, (4) Sanjay Ss/o Mange Ram S/o Rop Chand, (5) Smt. Sarla Wd/o Ranbir Singh S/o Mange Ram, all are R<sub>s</sub>/o Ajaad Garh, Tehsil and District Rohtak.

That We, with sound mind and well consciousness, are writing that we are the genuine owners in possession of land comprising in Killa No. 52//2 (8-0), 3 (7-12), 4 (8-0), 5 (8-0), 6 (6-6), 7(8-0) , 8 (7-12), 13 (7-4), 14/1 (6-4), 53//1/1 (1-3) total area of land is 68 Kanal 1 Marla situated at Village / Mauja Pada, Tehsil and District Rohtak. We, the owners in possession of said land are unable to visit the said land regularly and can not take care of the said land, therefore we appoint our faithful and sincere one i.e. Mr. Ram Kumar S/o Sh. Pheru Ram, President, Haryana Roadways, Coop. House Building Society, Rohtak as our General Power of Attorney and delegate our authority to take care of our land on our behalf. From today, any type of court case like Financial, Revenue, Criminal from our side against other or from other side against other or Municipal Council will be attended and lodged by our GPA. Besides this, our GPA has also full right to appoint Advocate to prosecute the case,

to make compromise of any kind of dispute in respect of our land, to file application against any type of irregularity in respect of our land. He also has right to divide this land into plots, to leave common passage beside this land, to allot the divided plots, to sell and mortgage the said land etc. to purchase stamp papers, to give the land on patta or to muntkil the land, to refund the amount. Meaning thereby is that we have transferred our all rights to our GPA to perform on our behalf. We all are putting our signatures and LTI on this GPA to make our GPA authorized to take decision on our behalf. After the preparation of this GPA, we and our GPA will be bound to this GPA. Apart from this, GPA will performs all acts in respect of this land which he will deem fit, we will not raise any objection towards this. Thus, the General Power of Attorney Deed has been prepared for record. Dated: 14.07.1999 as per 23 Asad 1921 Saka Mukag, Rohtak. 756.

Sd/- Mange Ram Executor	Sd/- Ramesh Kumar Executor	Sd/- Ramesh Kumar Executor	Sd/- Sanjay Executor
Sd/- Smt. Sarla Executor	Sd/- Suresh Kumar Executor	Sd/- Ramesh Kumar Executor	Sd/-

//TRUE COPY//

ADVOCATE

COPY OF JAMABANDI FOR THE YEAR 2000-2001 OF VILLAGE PADA, TEHSIL & DISTT. ROHTAK, HADBAST NO.67

Annexure P-4

42

Jamaban di or Khewal No.	Khataulmi No.	Name of Taraf & Palli.	Name of owner with full particulars	Name of cultivator with particulars	Sources of cultivation and their names etc.	Khassia No. Old/New	Area and kind of land	Measure ment kind of land	Detail of cultivation alongwith share	Detail of Maal Mutalaba	Swal and alongwith
1	2	3	4	5	6	7	8	10	11	12	
957 Contd.	1135	Godha Contd.	Suresh Kumar S/o 19/1338 share Ram Kanwar son 19/1338 share Ramesh Kumar S/o 251 / 2676 share Sanjay S/o Mange Ram S/o Roop Chand 251/ 2676 share Smt. Sarfa Devi widow and Rohit Kumar son and Smt. Shafini daughter Ranvir	Makbujia Malkan Contd.		Contd.					





HARYANA GOVERNMENT GAZETTE  
ExtraordinaryPublished by Authority  
Govt. of HaryanaCHANDIGARH, TUESDAY, JANUARY 1, 2002 (PAUSA 11,  
1923 SAKA)

No. LAC (F) - 2002 / NTLA / 72 - Whereas,  
it appears to the Governor of Haryana that land  
described in the specification below situated in  
the revenue estate of village Rohtak, Hadbast No.  
74 and Pada, Hadbast No. 67, Tehsil and District  
Rohtak is required for a public purpose namely for  
commercial, Sector 6 under the Haryana Urban  
Development Authority Act, 1977 by the Haryana  
Urban Development Authority.

And whereas in pursuance of the  
provisions of Section 4 of the Act, ibid, the  
Governor of Haryana is satisfied that the said  
land is required for the aforesaid purpose. It is  
hereby notified that the land described in the  
specification below is likely to be required for  
the aforesaid purposes and the Land Acquisition  
Collector, Urban Estates, Haryana, Faridabad shall  
cause public notice of the substance of this  
notification to be given at convenient places in  
the locality.

This notification is made under the  
provisions of Section 4 of the Land Acquisition

Act, 1894 for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana authorizes the offices with their servants and workmen, for the time being engaged in undertaking to enter upon the survey the land in the locality and to do all other acts required or permitted by the section.

Any person interested who has any objection to the acquisition of the land in the locality, may within a period of 30 days of publication of this notification in the official Gazette, file objection, in writing before the Land Acquisition Collector, Directorate of Urban Estates, Haryana, Faridabad.

Plan of the land notified to be acquired may be inspected in the office of the following namely: -

1. The Land Acquisition Collector, Urban Estate, Haryana, Sector 12, Faridabad.
2. The District, Town Planner, Rohtak.

Specifications

District	Tehsil	Village / Locality and H.B. No.	Area in acres	Rect. Nos.	Khasra Nos.
1	2	3	4	5	6
Rohtak	Rohtak	Rohtak H. B. No. 74	186.79 Acres		Khasra Nos. 7367, 7373, 7378, 7379, 7380, 7381,

7382, 17520 / 7664, 17536 /  
7665, 17537 / 7665, 7666,  
7667, 17573 / 7668, 17574 /  
7668, 17575 / 7669, 17576 /  
7669, 7670, 7671, 15649 /  
7672, 15648 / 7672, 16160 /  
15647 / 7672, 16161 / 15647 /  
7672, 7674, 7675, 7673, 17568  
/ 7676, 17569 / 7676, 17570 /  
7576, 7677, 7678, 7679, 17571  
/ 7680, 17572 / 7680, 7681,  
7682, 7683, 7684, 7685, 16348  
/ 7686, 16347 / 7686, 7686 / 2,  
7686 / 3, 7687, 17947 / 7688,  
14973 / 7688, 14943 / 7688,  
12162 / 7689, 12163 / 7689,  
16349 / 7690 / 1, 16350 / 7690  
/ 2, 7691, 7692, 7693, 7694,  
7695, 7696, 8991 / 7691, 8992  
/ 7697, 7698, 7699, 7700,  
7701, 7702, 7703, 7704, 17244  
/ 7705, 17245 / 7705, 17246 /  
7706, 17247 / 7706, 7707,  
7708, 7709, 7710, 7711, 7712,  
7713, 7714, 7715, 7716, 7717,  
7718, 7719, 7720, 7721, 7722,  
7723, 7724, 7725, 7726, 7727,  
7728, 12164 / 7729, 12165 /

7729, 7730, 7731, 7732, 11558  
 / 7733, 11559 / 7731, 11560 /  
 7733, 4647 / 7734, 7734, 10561  
 / 7735, 10562 / 7735, 7736,  
 7737, 7738, 7739, 15351 /  
 7740, 15352, 7740, 14949 /  
 7741, 14950 / 7741, 7742,  
 17637 / 7743, 17638 / 7743,  
 11563 / 7744, 11564 / 7744,  
 11563 / 7744, 14953 / 7745,  
 14954 / 7745, 7746, 11566 /  
 7744, 7747, 11567 / 7748,  
 11568 / 7748, 7749, 7750,  
 7751, 7752, 17493 / 7753,  
 17494 / 7753, 17495 / 7753,  
 16920 / 7754, 16921 / 7754,  
 16922 / 7754, 17231 / 7754,  
 17232 / 7754, 10892 / 7755,  
 10893, 7755/1, 10893 /  
 7755/2, 12166 / 10894 / 7755,  
 12167 / 10894 / 7755, 7756 / 1,  
 7756 / 2, 1630 / 7757 / 1,  
 7757/2, 16302 / 7757 / 2,  
 12168 / 10895 / 7758, 12169 /  
 10895 / 7758, 12170 / 10895 /  
 7758, 12172 / 10895 / 7758,  
 12173 / 10895 / 7758, 12174 /  
 10895 / 7758, 12175 / 10895 /

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10895 / 7758, 12183 / 10895 /  
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12190 / 10895 / 7758, 12191 /  
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12225 / 10897 / 7758, 16970 /  
16823 / 12226 / 10899 / 7758,  
16972 / 10823 / 7758, 16973,  
16823 / 12226 / 10899 / 7758,  
16974 / 16823 / 12226 /  
10899 / 7758, 16975 / 16823  
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16824 / 12226 / 10899 /  
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10899 / 7758, 16839 /  
16827 / 12226 / 10899 /  
7758, 16810 / 16827 /  
10899 / 7758, 7759, 10988 /  
7760, 1090 / 7760, 7761,  
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14725 / 12381 / 7897 / 3,  
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 12381 / 7897, 15617 /  
 14724 / 12381 / 7897, 15616  
 / 14724 / 12381 / 7897,  
 7898, 12682, 7879, 12300 /  
 7897, 12613 / 7897 / 1 / 3,  
 12383 / 7899, 12615 /  
 12384 / 7899, 12385 / 7899,  
 12381 / 7899 / 2, 12386 /  
 7899, 12387 / 7899, 12388 /  
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 7899, 12397 / 7899, 12399 /  
 7899, 12400 / 7899, 12401 /  
 7899, 12402 / 7899, 12403 /  
 7899, 12404 / 7899, 12405 /  
 7899, 12406 / 7899, 12407 /  
 7899, 7900, 15685 / 7901 /  
 1, 15684 / 7901 / 2, 15683 /  
 7901 / 3.

Rohtak Rohtak Pada H. 434.6  
 B. No. 8  
 67 Acres  
 (Contd.)

9 16/1, 15/2, 25/1, 25/2.  
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12 5, 6, 7, 8, 9, 10, 11, 12, 13,

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- 13 10, 11/1, 11/2, 12, 17, 18,  
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24, 25/1.
- 22 1/1, 1/2, 2/1, 2/2, 3, 4, 5, 6/1,  
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- 41 1, 2, 3, 4, 5, 6, 7/1,  
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- 42 1/1, 1/2, 2/1/1, 2/1/2, 2/2,  
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44 1/1, 1/2, 2/1, 2/2, 3/1, 3/2,  
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48. 2/1, 3/1, 3/2/1, 3/2/3, 3/2/4,  
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16/1/2.
49. 3/1, 3/2, 3/3, 4/1, 4/2, 4/3,  
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- 71 1, 2, 10, 11, 2/2 and Khasra  
No. 129, 140, 142, 143, 144,  
145, 149, 112/2/1.

Sd/-

Joint Secretary to Government Haryana  
Urban Estates Department

TRUE COPY

ADVOCATE

To

The Land Acquisition Collector  
Urban Estate Haryana, Sector 12,  
Faridabad.

Sd -  
Dt. 30.1.20

Sub: Objection against the Notification No. LAC (F) - 2002 / NTLA / 72, Dated 1st January 2002 under Section under Section 4 of the Land Acquisition Act 1894 appearing in Daily Newspaper 'Hari Bhoomi' dated 13.01.2002 in which acquisition of land situated in revenue estate of Village Rohtak, Pada, Tehsil and District Rohtak.

Sir,

The applicant / objector i.e. Haryana Roadways Coop. House Building Society, Rohtak through its President Ram Kumar respectfully submits as under: -

1. That a society namely Haryana Roadways Coop. House Building Society Ltd. Rohtak was constituted and was registered at No.591 (HB on 8.5.1993 by the Asstt. Registrar, Cooperative Societies Rohtak exercising the power of Registrar Cooperative Haryana. The Byelaws of the said society were duly approved by the Registrar Coop. Societies Haryana, Chandigarh. The main object of the said society is to purchase or acquire land by lease, exchange or others mode and to construct hired acquire building for the individual and benefit of the members etc. The

photocopies of the Registration Certificate, certificate of Inspector and the Byelaws of the said society are attached.

2. That the members were enrolled and the audit report of the company was prepared from 01.04.1999 to 31.01.2000. Photocopy of the same is attached including its membership.

3. That for the construction of the houses for the members of the above mentioned society, the society entered into agreement for purchasing of land vide Sale Deed or Agreement. In the process, the society has purchased 16 Kanals of land from Suresh Kumar, Ram Ku mar Ss/o Mange Ram and Smt. Sarla Devi Widow and Rohit Kumar son and Shalini daughter of Ranbir Singh S/o Mange Ram vide Regd. Sale Deed No.232 Bahi No. 1 Page No.154 dated 07.04.1998 for a consideration of Rs.22 lacs and the same was executed in the revenue record vide Mutation No.4084 dated 5.6.1999. The land as mentioned above was the 320/1339 share of the land comprised in Khewat No.888 bearing Rectangle & Killa No.. 52//2 (8-0), 3 (7-12), 4 (8-0), 5 (8-0), 6 (6-6), 7 (8-0), 8 (7-12), 13 (7-4), 14 (6-4) measuring 66 Kanals 18 Marlas comes 16 Kanals. The Society entered into an Agreement for the above mentioned land i.e. 26 Kanal 18 Marla along with Rectangle and Killa No. 53//1/1 (1-3) total

measuring 68 Kanal 1 Mara. The last agreement was made on 3.10.2000 with the vendors took the whole of the consideration amount and give the receipt against amount duly received. The photocopy of the receipt is attached. Presently, the said society is owner in possession of the land measuring 68 Kanal 1 Marla. The General Power of Attorney dated 26.7.1999 is attached.

4. That the said society demarcated plots for the members in the above said land after providing the society as per rules and the possession has already been given to the members. The roads have been developed and water supply system and sanitary system are in process and the land mentioned above has been duly walled, all the necessary requirement either has been given or in the process. The maps, demarcation has already approved by the competent authorities. Electric poles have already been installed. It is the developed Society. Total number of plots demarcated are 156.

5. That the above said land of the objectors is proposed to be acquired for the development of residential and transport communication sector 5-6 as notified vide above said notification dated 1.1.2002 and published in Daily Newspaper 'Hari Bhoomi' on 13.01.2002.

6. That the above said land of the applicant is not liable to be acquired and deserves to be exempted on the following grounds: -

- i) That the objector has already developed the area for residential purposes for the society and have provided all the facilities required in a similar by HUDA and if the said purpose i.e. served by the society under the provisions of law then there is no necessity to acquire the said land. Hence, no purpose will be served to acquire the land of the objectors.
- ii) That there is a lot of alternative land which can be acquired and the purpose of the acquisition will be better served by acquisition of any other land without causing inconvenience to the objector and this land of the objector be exempted.
- iii) That the area for construction / development and the purview of Tehsil Rohtak and the said society has been developed keeping in view the facts that it lies very near to the 'New Bus' Stand as most of his members who are in possession of the society are serving in Haryana Roadways Department and it is fact that

their conenion to be situated very close to the Main Bus Stand."

- iv) That more persons have to be displaced than that of the persons to be inhabited by acquiring the said land of the society.
- v) That the said notification for the proposed acquisition is malafide, illegal, arbitrary and against the provisions of the law and natural justice. The rules and regulations and law will be violated if the said land of the society as proposed to be acquired.

It, is, therefore, prayed that keeping in view the facts and circumstances as narrated above and in the interest of justice, the land of the objector as mentioned above may kindly be exempted from acquisition by accepting the objections and the notification in question be withdrawn.

Applicant / Objector  
Haryana Roadway Coop. House Building Society  
Through President Ram Kumar, Rohtak.  
Near New Bus Stand, Rohtak.

TRUE COPY

ADVOCATE

[Extract from Haryana Government Gazette (Extra  
the 30<sup>th</sup> December, 2002)]

HARYANA GOVERNMENT GAZETTE  
Urban Estates Department  
Notification

The 30<sup>th</sup> December, 2002

No. LAC (F) - NTLA-2002/128 - Whereas,

the Governor of Haryana is satisfied that the land specified below is needed by the Government at public expense for a purpose, namely for the development and utilization of land of commercial Sector 6, Rohtak under the Haryana Urban Development Authority, Act, 1977 by the Haryana Urban Development Authority in the area of village Rohtak, Hadbast No. 74 and village Pada Hadbast No. 67, Tehsil and District Rohtak for which Haryana Government, Urban Estate Department Notification No. LAC (F) - 2002 / NTLA / 72 dated 1<sup>st</sup> January, 2002 under section 4 of the Land Acquisition Act, 1894 has been published. It is hereby declared that the land described in the specification below is needed for the above purpose.

This declaration is made under the provision of Section 6 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

The Planned of this land may be inspected in the office of the Land Acquisition Collector,

Urban Estates Maryana Sector 12, Faridabad and  
District Town Planner, Rohtak.

## Specifications

District	Tehsil	Village / Locality and H.B. No.	Area in areas	Rect. Nos.	Khasra Nos.
1	2	3	4	5	6
Rohtak	Rohtak	Rohtak No. 74 (Contd.)	128.75 Acres	7367, 7373, 7378, 7379, 7380, 7381, 7382, 17520 / 7383, 17521 / 7383, 7384, 17577 / 7385, 17578 / 7385, 7386, 7387, 15688 / 7388, 125689 / 7388, 7389, 17522 / 7390, 17523 / 7390, 9027 / 7391, 9028 / 7391, 9029 / 7391, 9030 / 7391, 9031 / 7391, 10205 / 7392, 10204 / 7393, 10883 / 7393, 10884 / 10205 / 7393, 13095 / 10206 / 7394, 13096 / 10206 / 7394, 10207 / 7394, 10803 / 7395, 10884 / 10205 / 7395, 13094 / 10208 / 7396, 13098 / 10208 / 7396, 13099 / 10208 / 7396, 13100 / 10208 / 7396, 13101 / 10209 / 7396, 13102 / 10209 / 7396, 13103 / 10209 / 7396, 7397, 10210 / 7398, 10211 / 7398, 7399, 9023 / 7400, 9024 / 7400, 9025 / 7400, 9026 / 7400, 7404, 7401, 7403, 7402	

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 7413 / 2, 7414 / 1, 7414 / 2, 7415 / 1,  
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60 1, 2/1, 2/2, 3, 4/1, 4/2

61 1, 2, 3/1, 3/3, 3/4, 3/5, 3/6, 3/7, 3/8, 3/9,  
3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16,  
3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 4, 5, 9,  
10, 1/1, 11/2, 20/1, 20/2, 20/3, 21/2,  
21/3, 22/1, 22/3.

62 15/1, 15/2, 16/1, 16/2, 16/3, 17.

63 6/2 min, 15/1

70 1, 14/1, 14/2, 14/3, 14/4, 15/1, 15/2, 16,

17/1, 17/2, 17/3, 24/1/1, 24/2/1, 25/2 and

Khasra Nos. 129, 140, 142, 143, 144,

145, 149.

Sd/-

Special Secretary to Government Haryana  
Urban Estates Department.

TRUE COPY

ADVOCATE

ANNEXURE E/9 (6)

From

The Director,  
Urban Estate Department, Haryana,  
Panchkula.

To

The Administrator,  
HUDA, Hisar.

Memo No. 3-06/

Dated:

Subject: Release of land in the revenue estate of  
village Bohar and Kheri Sadh District  
Rohtak Sh. Surat Singh, Ramesh Kumar,  
Suresh Kumar & others.

\*\*\*

On the subject cited above.

In this regard you are hereby informed  
that the Government is agreed to release the land  
of Sarvshri Surat Singh, Ramesh Kumar, Suresh  
Kumar etc. measuring 60.43 acres (detail of land  
is enclosed) situated in village Gari Bohar and  
village Kheri Shad, District Rohtak falling under  
the Sector 27, Urban Estate, Rohtak on all  
general conditions. The condition of recovery of  
the amount of development charges proportionately  
in addition to the general conditions will also  
be applicable on the party. The party will also

withdraw the court case regarding acquisition which he has filed. The party will also have to execute an agreement in respect of the released land.

Director  
Urban Estate Department, Haryana,  
Panchkula.

Endst.No. 3671

Dated: 12.06.2006

A copy of the above is forwarded to the following for information and necessary action :-

1. The Director, Town and Country Planning Department, Haryana, Chandigarh with ref. to his Memo No. DS-II-06/15561 dated 25.5.06 for information and necessary action.
2. District Town Planner, Rohtak
3. Land Acquisition Officer, Hisar.
4. Estate Officer, HUDA, Rohtak.
5. Chief Controller of Accounts, HUDA, Panchkula.

Sd/-  
For Director  
Urban Estate Department, Haryana,  
Panchkula.

## Udhaar Gagan Properties (P) Ltd.

Village	Rect.No.	Killa No.	Area
			K - M
Garhi Bohar	329	22 min	6-2
		19 Min	6-12
		20	8-0
		21	8-0
	330	16	8-0
	349	5	8-0
		6	8-0
		15	8-0
		8/1/2	4-13
		7/2	6-16
		7/1	1-4
		14	8-0
		16/1	5-7
		17	8-0
		23	8-0
		24	8-0
	356	4	7-11
	330	24	8-0
		25	8-0
	349	4	8-0

		8/1/1	2-19
	356	1/2	5-7
		10/1	1-9
		8	8-0
		9	8-0
		10/2	6-11
		11	8-0
		12	8-0
		13	8-0
		18	2-9
		19	2-13
		20 min	0-11
		6	8-0
		7	7-12
		15/2	5-6
	331	7	7-12
		8	10-2
		14	7-12
		17	7-12
		18	8-0
		Total	266-0

	356	16	6-11
		14	8-0
	330	9/1	4-0
		9/2	4-0
	349	18	8-0
		13	8-0
	330	1	8-0
		2	8-0
		10	8-0
	331	6	8-0
		15/1	7-2
	349	16/2	2-13
		25	8-0
	356	5	8-0
		15/1	2-14
		17	4-0
	330	8	8-0
		14	8-0
		17/1	0-8
		17/2	7-12
		18/1	7-0
		18/2	1-0

		23/1/2	5-8
		7	8-0
	331	22/2	4-4
		23/1	1-18
	330	4/1	2-0
Kheri Sadh	13	16	5-4
		25	4-12
	14	21	8-11
	40	5	8-0
		7	8-0
		6	8-0
	13	17	4-0
		24	7-18
	40	4	6-19
	Total		217-9
	Page I		266.0
	G.Total	483.9 or say 60.43 acres.	

Sd/- District Town Planner (PQ)  
For Director Town and Country Planning, Haryana, Chandigarh.

True translation/copy

Advocate

ANNEXURE P/g (61)

From

The Director,  
Urban Estate Department, Haryana,  
Panchkula.

To

The Administrator,  
HUDA, Hisar.

Memo No. 3-06/

Dated:

Subject: Release of land in the revenue estate of  
village Pehrawar Bohar and Kheri Sadh  
District Rohtak Sh. Ram Bhagat s/o Sh.  
Brahma Sada Ram s/o Brahma Ram Dutt s/o  
Brahma and others.

\*\*\*

On the subject cited above.

In this regard you are hereby informed  
that the Government is agreed to release the land  
of Sarvshri Ram Bhagat son Brahma, Sada Ram son  
of Brahma, Ram Dutt son of Brahma etc. measuring  
51.365 acres (detail of land is enclosed) situated  
in village Perawar, Bohar and Kheri Shad  
District Rohtak falling under the Sector 27 ,  
Urban Estate, Rohtak on all general conditions.  
The condition of recovery of the amount of  
development charges proportionately in addition

to the general conditions will also be applicable on the party. The party will also withdraw the court case regarding acquisition which he has filed. The party will also have to execute an agreement in respect of the released land.

Director  
Urban Estate Department, Haryana,  
Panchkula.

Endst.No.

Dated: 12.06.2006

A copy of the above is forwarded to the following for information and necessary action :-

1. The Director, Town and Country Planning Department, Haryana, Chandigarh with ref. to his Memo No. DS-II-06/15562 dated 26.5.06 for information and necessary action.
2. District Town Planner, Rohtak
3. Land Acquisition Officer, Hisar.
4. Estate Officer, HUDA, Rohtak.
5. Chief Controller of Accounts, HUDA, Panchkula.

Sd/-  
For Director  
Urban Estate Department, Haryana,  
Panchkula.

Land owned by industrial collaboration with M/s  
Udhaar Gagan Properties (P) Ltd.

Village	Rect.No.	Killa No.	Area K - M
Pehrawar	6	13/2	1-19
		16	6-9
		17	8-5
		25	8-0
	7	20	7-2
		21	8-0
	8	1	1-3
	6	22/2	1-16
	9	5/3	3-12
	8	1	8-0
		10	1-11
	9	6/1	5-10
		4/1	0-16
		5/2	0-4
		6/2	0-2
		6/3	2-8
	9	3	8-0
	7	17	1-10
		24	7-8
	9	4/2	7-3
		5/1	3-1
	6	24	8-0
	7	18	2-18
		19	4-0
		22	8-0
		23	8-0
	6	12	8-7
		19	8-0
		22/1/1	1-2
		13/1	3-5
		15	8-0
		22/1/2	3-2
		22/1/1/2	2-0
		23	8-0
		Total	166-0 -1-7 164.13

	359	13	2-6
		8/3	2-18
		3	7-11
		8/2	2-1
		8/4	2-18
		1/2	4-4
		9/1	1-2
		14/1	5-6
		2	7-11
		8/1	0-3
		9/2	6-2
		7	8-0
		10	5-4
Kheri Sadh	41	5/2	2-0
		6	5-16
		7/1	6-8
		14	8-0
	44	5	8-0
	45	8	7-11
	41	10/2	2-1
		11	7-8
		19/2	7-14
		20	8-0
	40	11	10-10
		16	8-0
		17	8-0
		18	8-0
		19	8-0
		20	7-8
	41	16	8-0
	40	21	7-8
	45	2	8-0
		3	8-0
	40	22	8-0
		23	8-0
		24	8-0
	41		8-0
		Total	226.10

	41	12	5-14
		19/1	5-6
		18	5-12
	45	1	7-8
		Total	24-0
		Page-I	164.13
		Page II	226-10
		G.Total	415.3 or 51.89 Acs.

Sd/- District Town Planner (PQ)  
For Director Town and Country Planning, Haryana, Chandigarh.

True translation/copy

Advocate

From

Director,  
Urban Estate Department, Haryana,  
Panchkula.

To

The Administrator,  
HUDA, Rohtak.

Memo No. S-3-06/1250-9

Dated: 3.11.06

Sub:

Regarding release of land of Sector 4, 5  
and 6, Rohtak / houses from acquisition.

On the subject cited above, you are hereby intimated that the Govt. has released the structures / land falling under Sector 4, 5 & 6, Rohtak from acquisition on the common terms and conditions and the following decisions have been taken: -

- i) The area outside the black boundary on the maps of the sazra plan of Sectors 4, 5 & 6 be excluded from acquisition, the land being in the possession of owners. However, the land for which compensation has already been accepted would be released only on recovery of the compensation amount along with Rs.5.5% interest.
- ii) Certain individual structures which are still existing on the land being acquired will be excluded from

acquisition with proportionate open area and suitably adjusted in the layout plan.

- iii) In respect of the land belonging to Shri Jagbir Singh Narwal etc. since request for CLU is under consideration for this land separately it be also excluded from acquisition except the land required for land.
- iv) On Khasra No.41/16 samadhis exist, hence this land be also excluded from acquisition.
- v) The area in Sector 6 in between Gohana Road and Pocket A is so located that it cannot be gainfully utilized by HUDA, and structure also exist on this land, hence this land be excluded from acquisition, and
- vi) The land required for Sector roads in Sectors 4, 5 & 6 and internal roads in Sector 6 will not be released.

In the Shijra plan enclosed by the Govt. structures / land to be released from acquisition is described. Similarly, the summary /

description of the owners of land to be released from acquisition has been prepared by the Land Acquisition Collector, Hisar, a copy of which is enclosed herewith.

Therefore, you are requested to prepare the release order on common terms and conditions of the land / structure to be released from acquisition on your level according to the above said order in each case and recover development charges by making contact with Land Acquisition Collector, Hisar and District Town Planner, Rohtak and get execute the agreement from the owner. If any applicant has filed a case against the department then let the case get back from him. If any condition is to be kept by you on your level, please make it implement.

Apart from this, the land owners will return back compensation by including interest @ 5.5% to HUDA, who have received the same on account of acquisition of land before the releasing of land from acquisition.

Such as, it is asserted in Para No. iii and iv that the land falling in roads and internal roads will not be released from acquisition.

So, you are requested to please inform this office after completing the proceeding after implement the above said terms on account of release of concerned land.

Encl. As above

Sd/-  
Deputy Director,  
Urban Estate Department, Haryana  
Panchkula.

Ends. No:3-06/

Dated: \_\_\_\_\_

A copy of above is forwarded to the following: -

1. Engineer-in-Chief, HUDA, Panchkula;
  2. Chief Administrator, HUDA, Town Planning Wing,  
Panchkula;
  3. Director, Town and Country Planning  
Department, Haryana, Chandigarh;
  4. District Town Planner, Rohtak;
  5. Land Acquisition Officer, Hisar;
  6. Estate Officer, HUDA, Rohtak;
  7. Chief Accounts Controller, HUDA, Panchkula;
- for information and necessary action please.

Encl. As above

Sd/-  
Deputy Director,  
Urban Estate Department, Haryana  
Panchkula.

TRUE TRANSLATION

ADVOCATE

AS PER THE DIRECTIONS GIVEN ON THE LAST PAGE (NP - ), THE DETAILS PERTAINING TO THE RELEASE OF LAND IN SECTOR 4, 5 & 6 ROHTAK HAVE BEEN WORKED OUT. THE DETAILS HAVE BEEN PREPARED ACCORDING TO THE SR. NOS. MENTIONED ON LAST PAGE AND THE SAME IS AS FOLLOWS:

- 1) The area falling outside the black boundary in Sectors 4, 5 & 6 is given below: -

Details of land to be released in Sector 6, Rohtak, Village Pada is as under:

TABLE NO.1

Khasra No.	Raqba	Khasra No.	Raqba	Khasra No.	Raqba	Khasra No.	Raqba
10 3	4-10	29 3	6-4	61 1	2-0	16	7-14
4	7-16	4	7-15	2	8-0	17	8-0
5	4-2	5	8-0	3	8-0	18	8-0
16	4-0	6	8-0	4	8-0	19	8-0
24	5-6	7	8-0	5	8-0	20	8-0
25	7-11	8	9-16	9	8-0	21	8-0
11 11	3-10	14	8-0	10 Min	2-0	22	8-0
12	7-13	25	7-12	11 Min	2-0	23	8-0
20	8-0	30 1	8-0	20 Min	2-0	24	8-0
24 11	8-0	2	8-0	21	4-16	25	8-6
19	8-0	3	7-11	22	8-0	26 4	8-0
20	8-0	9-3	2-12	62 16	5-6	5	8-0
21	8-0	10	8-0	17	8-0	6	8-0
22	8-0	41 16	8-0	63 6/2 15/1	6-17 8-0	23 Min	4-0
25 3	8-0	42 24 Min	1-0	70 10	7-0	24 Min	4-0
4	7-12	43 1	8-0	14	9-4	44 5	7-12
5	7-0	2	8-0	15	6-8	6	7-12
6	8-0	9	8-0	16	8-0	15	7-12
7 Min	8-0	10	7-11	17	6-0	50 3	8-0
9	8-0	11	8-0	24	7-9	4	8-0
11	8-0	12	7-18	25	7-12	5 Min	1-0
12	8-0	13 Min	8-0	13	8-0	6	8-0
13	8-0	19	8-0	7	8-0		
14	8-0	22	8-0				
15	8-0	8	8-0				

TABLE NO.2

Land released in Sector 6, Rohtak Award No. 6,  
Dated: 20.12.2004

7385 Min	7407	7428	7647	7667	7683	7697
7386 Min	7408	7620	7653	7668	7684	7698
7387 Min	7409	7621	7654	7669	7685	7699
7388 Min	7410	7623	7655	7670	7686	7700
7389	7411	7624	7656	7671	7687	7701
7390 Min	7412	7638	7657	7672	7688	7702
7391 Min	7413	7639	7658	7673	7689	7703
7398	7414	7640	7659	7674	7690	7704
7399 Min	7415	7641	7660	7675	7691	7705
7400	7416	7642	7663	7676	7692	7706
7401 Min	7417	7643	7664	7678	7693	7707
7402 Min	7418	7644	7665	7679	7694	7708
7403 Min	7419	7645	7666	7680	7695	7709
7404 Min	7420 Min	7646	7682	7681	7696	7710
7405 Min	7406 Min	7665	7666	7667	7668	

TABLE NO.3

Land to be released in Sector 4 & 5, Rohtak,  
Village Bohar, Pada

Khasra No.	Raqba (Total Area / Area falling in 60 Mt. Road) App.	Khasra No.	Raqba (Total Area / Area falling in 60 Mt. Road) App.	Khasra No.	Raqba (Total Area / Area falling in 60 Mt. Road) App.
<u>VILL PADA</u>					
58		72		77	
21/1	5-15/(1-15)	4	8-0/(5-0)	1 Min	7-10/(4-0)
21/2	2-05/(0-10)	5	7-12/(5-0)	2	8-02/(5-0)
59		6	7-11/(2-0)	9 Min	2-0/(2-0)
1/1 Min	4-0				
1/2 Min		7	7-3/(7-3)	10 Min	2-14/(2-14)
1/3 Min		14	8-0/(5-0)	11 Min	4-15/(4-15)
1/4 Min		15	8-0	20 Min	1-0/(1-0)
1/5 Min		16	8-0	78	
				1	7-11
1/6 Min		17	8-0/(0-10)	20	8-0
1/7 Min		18	8-0/(7-10)	3	8-0
1/8 Min		19	8-0/(2-10)	4 Min	7-1
1/9 Min		20 Min	6-16	5 Min	6-0
24	8-0/(0-10)	21	8-0	25 Min	0-6
25	8-0/(7-10)	22	8-0/(7-10)	79	
				5/1	0-15
					Total are 67.27 acres (app. Area falling under road 9.39 acres (app.)

60		23	8-0/(3-0)	VILL: BOHAR	
14/1 Min	0-2				
14/2 Min	2-2	24	8-0	<u>134</u>	
				8	7-16
15/1/1 Min		25	8-0	14	6-8
15/1/2 Min		<u>73</u>		13	8-0
		4	8-0		
15/1/3 Min		5	7-12	12	6-14
15/1/4 Min		6	7-12	17	5-4
15/1/5 Min	0-15	7	8-0	18	8-0
15/1/6 Min		11	7-11	19	4-2
15/1/7 Min		12	7-11	22	6-10
15/1/8 Min		13	7-11	23	7-11
15/1/9 Min		14	7-11	<u>167</u>	
				3	8-0
15/1/10 Min		15	7-11	4	7-11
					Total area 9.48 acres (app.)
15/1/11 Min		16	8-0		
15/1/12 Min		17	8-0		
15/1/13 Min		18	8-0		
15/1/14 Min		19	8-0		
15/1/15 Min		20	8-0		
15/1/16 Min		21	8-0		
15/1/17 Min		22	8-1		
15/1/18 Min		23	7-11		
15/1/19 Min		24	7-11		
71		25	8-0		
3 Min	6-0				
8	3-10	<u>74</u>			
		9	7-8		
12	6-8	10	7-11		
13	7-11	11	8-0		
14	7-11	12	6-4		
15	7-11	19	3-8		
16	7-12	20	8-0		
17	8-0	21	8-0		
18	8-0	22	1-10		
19	8-0	<u>75</u>			
		1	7-4		
20	2-2	10	4-6		
21	8-2	<u>76</u>			
		2	4-13		
22	8-0	3	4-13		
25 Min	6-0	4/1	4-13		

- Exact Calculation of area shall be done after partition (TATIMA) as per actual revenue record.

TRUE COPY

ADVOCATE

Annexure P/98

The Haryana Roadways Co-operative House Building  
Society Ltd. (Regd.), 591 - HB, Rohtak - 124001.

\*\*\*

Dated: 25.10.08

To

The Hon'ble Chief Minister,  
Government of Haryana.

Subject: Regarding releasing the land of Haryana  
Roadways Cooperative House Building  
Society (registered) Rohtak from  
acquisition.

\*\*\*

Sir,

As you are well aware that after the  
purchase of land, plots were allotted to the  
employees of The Haryana Roadways Cooperative  
House Building Society (Regd.) Rohtak, the total  
area of which was 58 kanals 18 marlas. This land  
is situated in Sector 6. Out of this land, land  
measuring 13 Kanals 8 marlas comprised in killa  
No. 52 / 13.14/1 has already been left out by the  
Government and for releasing the balance land

measuring 45 Kanals 10 Marlas , a number of requests have been made to Hon'ble Chief Minister and Member of Parliament Sh. Deepender Hooda at personal level.

In this regard you are made aware that the plots which have been carved out from this land have been purchased by the Class IV and Class III employees after making savings from their monthly salaries. All these employees are poor and plots have been purchased from their hard earned savings. You are, therefore, requested to have pity on them and we are sure that you will get this land released from acquisition.

Thanking you,

Sd/- President  
Haryana Roadways Coop. House  
Building Society Ltd. Rohtak  
Regd. No. 591 HB  
Jagdish Hooda (Khidwali)

Committee

1. On behalf of all the members:

True translation

Advocate

Annexure P/19

The Haryana Roadways Co-operative House Building  
Society Ltd. (Regd.), 591 - HB, Rohtak - 124001.

\*\*\*

Dated: 21.12.2009

To

The Secretary to Government of Haryana,  
Urban Estate Department,  
Haryana Civil Secretariat, Chandigarh.

Subject: Regarding releasing the land of the  
Society from acquisition.

Sir,

It is humbly submitted that some of the  
land was purchased by The Haryana Roadways Co-  
operative House Building Society Ltd. (Regd.),  
Rohtak through Sale Deed and for some of the  
land, GPA was given alongwith Will. The Society  
acted upon the above said land and roads were  
made, investments were also made. Out of the land  
of the society, two acres land was released, but  
rest of the land has been acquired for which  
office bearers of the society met to the higher  
authorities and also the Hon'ble Chief Minister,

Haryana many times and Hon'ble Chief Minister gave the assurance that the land will be released. But the same was not released. The applicant has also made the representations earlier and requested for the release of the land as a big chunk of the land out of acquisition has been released even after the award. Therefore, our land may also be released from the acquisition.

Thanking you,

Sd/- President

Haryana Roadways Coop. House  
Building Society Ltd., Rohtak.

Regd.No. 591 HB

True copy

Advocate

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. NO. | OF 2010

IN

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2010

IN THE MATTER OF:-

PAWAN KUMAR & ORS. ---PETITIONERS

AND

STATE OF HARYANA & ORS. ---RESPONDENTS

APPLICATION FOR EXEMPTION FROM FILING  
CERTIFIED COPY OF THE IMPUGNED ORDER

TO  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF  
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:-

1. That the petitioner abovenamed respectfully submits this petition seeking Special Leave to Appeal from the Final Judgment and order dated 17.2.10 passed by the High Court of Punjab & Haryana at Chandigarh in CWP No.2788/2010, whereby the High Court dismissed the Writ Petition filed by the petitioners.

2. That the petitioner has already applied for the certified copy of the impugned order and will place on record as and when available.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to exempt the petitioner from filing certified copy of the impugned Final Judgment & order dated 17.2.10 passed by the High Court of Punjab & Haryana at Chandigarh in CWP No.2788/2010.

**FILED BY:-**

DATED:- 5.5.2010

**[RISHI MALHOTRA]**  
(ADVOCATE FOR PETITIONER)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CIVIL) NO.14692 OF 2010

IN THE MATTER OF:-

Pawan Kumar & Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

AFFIDAVIT OF URGENCY

I, Pawan Kumar, S/o Sh. Ram Kumar, R/o Pada, Tehsil & District Rohtak (Haryana) at present at New Delhi do hereby solemnly affirm and state as under:-

1. That I am one of the petitioners in the above mentioned matter and I am conversant with facts and circumstances of the case. Hence, I am competent to swear this affidavit.
2. That the petitioners are in possession from 10.4.98 because all the petitioners are member of the society. There are 168 members who were allotted the plots and possession was handed over to all of them and all were accorded possession certificate dues clearance certificate etc.
3. In the year 2002, the respondents issued the notification u/s 4 of the Land Acquisition Act, 1894 dated 1.1.02 showing intention to acquire the land of the petitioners for the purpose commercial sector 6 in Rohtak under the HUDA Act, 1977 by the HUDA.
4. That the petitioners filed objection u/s 5 A of the Act within the stipulated period stating that the land total measuring 66 Kanals 18 Marlas situated in the Revenue State of Village Pada are in possession of the petitioners in which they have already constructed their houses and are living therein.
5. The petitioners can be dispossessed anytime from this land and the petitioners craves indulgence of this Hon'ble Court praying for stay of dispossession from the said property and further prays that the matter may be listed before the Vacation Judge otherwise the SLP shall become infructuous if the stay is not granted by this Court.

6. That the contents of my above affidavit are true to my knowledge and nothing false has been stated therein.

DEPONENT

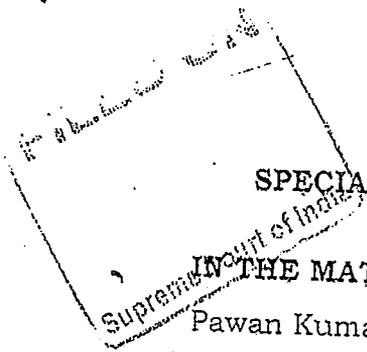
VERIFICATION:-

Verified at New Delhi on this 17<sup>th</sup> day of May 2010, that the contents of my above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.14692 OF 2010

IN THE MATTER OF:-

Pawan Kumar & Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

**AFFIDAVIT OF URGENCY**

I, Pawan Kumar, S/o Sh. Ram Kumar, R/o Pada, Tehsil & District Rohtak (Haryana) at present at New Delhi do hereby solemnly affirm and state as under:-

1. That I am one of the petitioners in the above mentioned matter and I am conversant with facts and circumstances of the case. Hence, I am competent to swear this affidavit.
2. That the matter relates to land Acquisition in which the Notice was issued for acquired the land of the petitioners and the Hon'ble High Court dismissed the petition of the petitioner on 17.2.10. The Copy of the Order was applied but same was not ready till date. Therefore, the SLP was filed by the petitioners on 5.5.10 and SLP was registered on 6.5.10.
3. That the petitioners are in possession from 10.4.98 because all the petitioners are member of the society. There are 168 members who were allotted the plots and possession was handed over to all of them and all were accorded possession certificate dues clearance certificate etc.
4. In the year 2002, the respondents issued the notification u/s 4 of the Land Acquisition Act, 1894 dated 1.1.02 showing intention to acquire the land of the petitioners for the purpose commercial sector 6 in Rohtak under the HUDA Act, 1977 by the HUDA.
5. That the petitioners filed objection u/s 5 A of the Act within the stipulated period stating that the land total measuring 66 Kanals 18 Marlas situated in the Revenue State of Village Pada are in possession of the petitioners in which they have already constructed their houses and are living therein.

6. The petitioners can be dispossessed anytime from this land and the petitioners craves indulgence of this Hon'ble Court praying for stay of dispossession from the said property and further prays that the matter may be listed before the Vacation Judge otherwise the SLP shall become infructuous if the stay is not granted by this Court.
7. That the contents of my above affidavit are true to my knowledge and nothing false has been stated therein.

DEPONENT

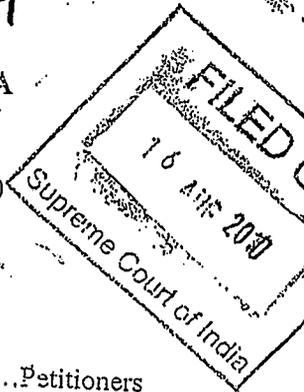
**VERIFICATION:-**

Verified at New Delhi on this 19<sup>th</sup> day of May 2010, that the contents of my above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 14692/2010



IN THE MATTER OF:-

Pawan Kumar & others.

...Petitioners

Versus

State of Haryana & Others.

...Respondents

Counter Affidavit on behalf of the Respondents no. 1&9

I, Sanjay Rai, Land Acquisition Officer, Urban Estate, Haryana,

Rohtak, do hereby solemnly affirm and state as under:-

1. That in my official capacity as stated above I am conversant with the facts and circumstances of the above matter.
2. That no facts which were not pleaded before the Courts below have been pleaded in the counter affidavit.
3. That facts stated in the present affidavit are true to my knowledge as per the official record and nothing has been concealed therein.

PRELIMINARY OBJECTIONS:

1. That the cause of action had accrued to the petitioner on 30.12.2002 when notification under section 6 of the Land Acquisition Act, 1894 (hereinafter the Act) was issued and award in respect of land in dispute has been announced on 29.12.2004 whereas the petitioner filed the writ petition no. 2788/10 titled as Pawan Kumar and others Vs State of Haryana in the Year

2010 which was rightly dismissed by Hon'ble High Court on the grounds of delay and laches.

2. That the order of the Hon'ble High Court is very much sustainable in the eyes of law as the same has been passed after hearing on merits. Because the writ petition was not maintainable as it had been filed after passing of the award as has been held by the Hon'ble High Court of Punjab and Haryana at Chandigarh in C.W.P. No. 10971 OF 2004 decided on 11.2.2008 titled as Banwari Lal and another Versus the State of Haryana and others.

Writ petition would not be maintainable after pronouncement of award, as has been held by Hon'ble the Supreme Court in the cases of Ster wire (India) Ltd. V. State of Haryana (1996) 11 SCC 698, Municipal Council Ahmednagar V. Shah Hyder Beig (2000) 2 SCC 48 and C. Padma V. Dr. Secretary to the Government of Tamil Nadu (1997) 2 SCC 627. In the view of the above, the special leave petition is also liable to be dismissed.

3. That it is certified that no land has been released for grant of licence to private colonizers in terms of provisions of Haryana Development and Regulation of Urban Areas Act, 1975. Land has been released by the Government only because section-4 erroneously included thickly populated areas, pockets which could not be gainfully utilized by HUDA as explained in the subsequent paras. No licence has been granted till date in respect of even single yard of land notified under section-4 in respect of the notifications mentioned at para 5. The land of the petitioners have been shown in red colour in Lay out cum development plan of Sec-6 a copy of the same is annexed as annexure-R-I

4. That as per the letter received from Executive Engineer HUDA Division No. 2 Rohtak vide their endst no. 4724 dated 23.7.2010 that a clear water tank of capacity 3.40 lacs gallons (1543600 ltrs) and boundary wall of

boosting station has been constructed in khasra no. 52//4,5. The rest of the land in dispute has been planned for plotting area. The letter of the Executive Engineer HUDA Division No. 2 Rohtak is annexed as annexure R-II.

5. That the land in question along with other land has been acquired fully in accordance with the provisions contained in the Act. The notification under section-4 of the Act as amended by the Central Act 68 of 1984 was issued of land measuring 632.28 acres of village Para and 186.79 of Village Rohtak Tehsil & District Rohtak vide notification no. LAC (F)-NTLA/2002/72 dated 1.1.2002.
6. That the notification was published in two daily newspapers one in English "THE NATIONAL HERALD NEW DELHI" dated 8.1.2002 and the second in Hindi "HARI BHUMI" dated 13.1.2002, fully in accordance with the provisions contained in Act. The land was needed by the Government at the public expenses for a public purposes namely for the development and utilization of land as Residential and Commercial Sector-6 Rohtak situated at revenue estate Rohtak. The substance of the notification under section 4 of the Act was also announced loudly by beating the empty drums on the spot and locality and the copy of the substance was also pasted at various places such as office of the Director Urban Estates Haryana Panchkula, Land Acquisition Officer Urban Estates Haryana Faridabad, Deputy Commissioner Faridabad and Halka patwari office etc.
7. The land owners were given an opportunity to file objections u/s-5A of the Act and the land owners availed the opportunity given to them and they filed the objections. Because of this they were given due opportunity of being heard. Accordingly the report was sent to the Govt. After considering the matter and report of acquisition collector, it was decided to acquire the vacant land of the petitioners. It is relevant to mention here that total land measuring 255.64 acres of village Para and Rohtak has been left out from

the acquisition u/s-5A of the Land Acquisition Act because of constructed area.

8. Thereafter the declaration under section-6 of the Act of land measuring 434.68 acres area of Village Para and 128.75 acres area of Village Rohtak vide notification no. LAC (F)-NYLA/2002/128 dated 30.12.2002 was issued by the appropriate authority fully in accordance with the provisions of the Act. The substance of the notification under section 6 was also published in two daily newspapers one in 'HARI BHUMI' Hindi dated 8.1.2003 and the second 'THE HINDU' in English dated 7.1.2003 and the copy of the substance was also pasted at various places as mentioned above. The substance of the notification under section 5 was also announced loudly by beating the empty drums on the spot and in the locality.
9. That as per the directions of the Govt. resurvey of the area was conducted and the report was sent to the Govt. The Govt. again decided to release the total area of 25.36 acre of village Para and 5.95 acres of village Rohtak because of blocks of thickly populated area. Hence the acquisition proceedings were fully carried out in accordance with the law of the land. No legal rights of the petitioners have been infringed by the answering respondent.
10. That the notices U/S-9 of the Act were issued on 5.11.2004 and 3.11.2004 to the land owners for their claims. After considering the individual claims on 24.11.2004, the award for the acquisition of the total land measuring 532.12 acres i.e. 409.32 acres of village Para and land measuring 122.80 acres of village Rohtak was announced vide award No. 5&6 dt. 29.12.2004. The land owners including the petitioners have been awarded fair and adequate compensation as per prevailing market price and considering at length all the relevant factors, situations and location of the acquired land further on the recommendation of the Divisional level Evaluation

Committee headed by the Commissioner of Rohtak Division Rohtak in lieu of their land. But the petitioner had not taken the compensation from the Land Acquisition Office Possession has been handed over to Estate Officer, HUDA on 29.12.2004 except in those cases under which stay has been granted by this Hon'ble High Court. Entry to this effect has been made in the Rapat Rojnamcha.

11. It is further submitted that the land measuring 197.94 acres was released after award vide director's letter dated 3.11.2006. Because of deserving houses, blocks of thickly populated area, samadhis, pocket which can not be gainfully utilized by HUDA and with structures also. It is also pertinent to mention that Rec/Killa no. 52//13min (4-0), 14(8-0) total 1.5 acres have also been released in which the petitioners are also co-sharers. That the annexure P-9 attached by the petitioner is not related with the above said notification. However it pertains to Sector-27 Rohtak.
12. The State Govt. has absolute right to acquire the land needed for public purpose. The land in dispute is also being acquired for serving public purpose i.e. Commercial Sector-6 Rohtak. The petitioners have been awarded proper and adequate compensation as per prevailing market price in lieu of their land. The acquisition proceedings can only be challenged if there are procedural illegalities but in the present case there is none. Hence the present special leave petition is liable to be dismissed on this ground also.
13. That the land in dispute has been declared to be acquired fully in accordance with law as per development plan and no discrimination have been made against the petitioners and no pick and choose policy has been adopted by the Land Acquisition Officer. As per the law lay down by the Hon'ble Supreme Court in case titled as "M/S Anand Buttons, Ltd. v. State of Haryana, A.I.R. 2005 (SC) 565.

In these circumstances the present Special Leave petition is liable to be dismissed.

REPLY ON MERITS:-

1. That the Para No. 1 of the Special Leave Petition is matter of record. It is denied that the Petitioner is entitled to seek, its grievances from Hon'ble Court.

2. Questions Of LAW

(i). That the contents of Para no. (i) are wrong and hence denied. No law points are involved in the present Special Leave Petition for adjudication by this Hon'ble Court. However it is submitted that, after considering the facts and circumstances of the matter, the Government decided to acquire the vacant land in question since the land is needed for public purpose. The State Govt. has absolute right to acquire the land needed for public purpose. The land in question is also being acquired for serving public purpose. The petitioners have awarded proper and adequate compensation as per prevailing market price in lieu of their land. The acquisition proceedings can only be challenged if there are procedural illegalities but in the present case there is none. Hence the present special leave petition is liable to be dismissed on this ground also.

(ii). That the contents of Para no. (ii) of the present Special Leave Petition are wrong and denied. The State Govt. is fully competent to acquire the land as and when the necessity is there and it is the subjective satisfaction of the Govt. which land is to be acquired or not needed for public purpose. The action of the respondent is legal, valid, not mala fide and in accordance with law under the provisions of the Act. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.

- (iii). That the contents of Para no. (iii) of the present Special Leave Petition are wrong and denied. The order of the Hon'ble High Court very much sustainable in the eyes of law as the same has been passed after hearing on merits. However, it is submitted that all the acquisition proceedings are as per provisions of the Act. All the proceedings are constitutional and legal. No discrimination is done with any of the land owners. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.
- (iv). That the contents of Para no. (iv) of the present Special Leave Petition are wrong and denied. The Govt. released the deserving houses and blocks of thickly populated area and the land belonging to petitioners was far from thickly populated area. Hence false plea taken by the petitioners is not tenable.
- (v). That the contents of Para no. (v) of the present Special Leave Petition are wrong and denied. The resurvey took place within the stipulated period and the cases of deserving land owners were recommended for release and the Govt. approved the deserving cases. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.
- (vi). That the contents of Para no. (vi) of the present Special Leave Petition are wrong and denied. That the land measuring 197.94 acres was released after award vide director's letter dated 3.11.2006. Because of deserving houses, blocks of thickly populated area, samadhis, pocket which can not be gainfully utilized by HUDA. It is relevant to mention here that petitioner's land does not falls in the constructed area. Hence plea taken by the petitioners is not tenable. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.
- (vii). That the contents of Para no. (vii) of the present Special Leave Petition are wrong and denied. The order of the Hon'ble High Court very much

sustainable in the eyes of law as the same has been passed after hearing on merits. However, it is submitted that all the acquisition proceedings are as per provisions of the Act and all the proceedings are constitutional and legal. No discrimination is done with any of the land owners. It is also submitted here that petitioners have no right to invoke the writ jurisdiction of this Hon'ble Court by way of filing the petition after the award.

3. Declaration in terms of rule 4(2):

That the contents of Para No. 3 of the Special Leave Petition are matter of record needs no comments.

4. Declaration in terms of rule 6:

That the contents of Para no. 3 of the Special Leave Petition are matter of record hence needs no reply. Para 1 to 4 of preliminary objections is reiterated here for the sake of repetition.

5. GROUNDS

(1). That the para no. (1) of the grounds of the Special Leave Petition are matter of record need no comments. It is submitted that all the acquisition proceedings are as per provisions of law of land. All the proceeding are constitutional, legal and as per provisions of the Act. No discrimination is done with any of the land owners. The vacant land related to the petitioners is very far from released thickly populated area. Hence, false plea taken by the petitioner is not tenable. Para No. 1 to 7 of preliminary objections is reiterated here for the sake of repetition.

(2). In the reply of Para No. (2) of Special Leave Petition, the State Govt. is fully competent to acquire the land as and when the necessity is there and it is the subjective satisfaction of the Govt. which land is to be acquired or not needed for public purpose. The action of the respondent is legal, valid, not

malafide and in accordance with law under the provisions of the Act. The reply given to foregoing paras and position explained in the preliminary objections above is reiterated.

- (3). That the para no. (3) of the grounds of the Special Leave Petition are wrong and denied. No discrimination has been done with any of land owners while releasing the land. Only deserving pieces of land have been released and deserving land blocks of thickly populated area have been left from the acquisition. The land belonging to the petitioners was vacant and it was far from the thickly populated area.
- (4). That the para no. (4) of the grounds of the Special Leave Petition are matter of record. No law points are involved in the present special leave petition for adjudication by this Hon'ble Court. The Govt. after considering the facts and circumstances decided to acquire the vacant land of the petitioner and the vacant land related to the petitioner is very far from released thickly populated area.
- (5). That the grounds of para no. (5) of the special leave petition are wrong and denied. However, it is submitted that there is no role of any kind of any individual official/officer pertaining to release of land of anyone. The petitioner has made the concocted story to harass the individual official/officer, otherwise too, land in question has been acquired for public purpose by the Government after due consideration. The Government has adopted the practice of just and fair criteria based on the advice by the technical experts. All the aspects which are in practice were considered & Government of Haryana was pleased not to release the said land from acquisition and the land was duly acquired after completing with all the provisions of the Act. Hence, the plea taken by the petitioner is false, baseless and frivolous. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.

(6). That the para no. (6) of the grounds of the Special Leave Petition are wrong and denied. However, it is submitted that the land owners were given an opportunity to file objections u/s-5A of the Land Acquisition Act, and the land owners availed the opportunity given to them and they filed the objections. The Govt. after considering the matter and report of acquisition collector, decided to acquire the vacant land of the petitioner. It is also stated that the land in question along with the other land was acquired fully in accordance with the provisions of the Act and the land has been acquired for the welfare of general public.

(7&8). That the para no. (7&8) of the grounds of the Special Leave Petition are wrong and denied. That the land measuring 197.94 acres was released after award vide Director Urban Estate's letter dated 3.11.2006, as constructed houses in blocks of thickly populated area, samadhis, pockets which can not be gainfully utilized by HUDA. It is relevant to mention here that petitioner's land does not falls in constructed area. Hence plea taken by the petitioners is not tenable. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.

(9). That the para no. (9) of the grounds of the Special Leave Petition are wrong and denied. No discrimination has been done with any of land owners while releasing the land. Only deserving pieces of land have been released and deserving land blocks of thickly populated area have been left from the acquisition. The land belonging to the petitioners was vacant and it was far from the thickly populated area. Hence plea taken by the petitioners is not tenable. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.

(10). That the para no. (10) of the grounds of the Special Leave Petition are wrong and denied. The order of the Hon'ble High Court very much sustainable in the eyes of law as the same has been passed after hearing on.

merits. However, it is submitted that all the acquisition proceedings are as per provisions of the Act and all the proceedings are constitutional and legal. No discrimination is done with any of the land owners. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.

(11). That the para no. (11) of the grounds of the Special Leave Petition are wrong and denied. The State Govt. is fully competent to acquire the land as and when the necessity is there and it is the subjective satisfaction of the Govt. which land is to be acquired or not needed for public purpose. The action of the respondent is legal, valid, not mala fide and in accordance with law under the provisions of the Act. The reply given to foregoing paras and position explained in the Preliminary objections above is reiterated.

(12). That the para no. (12) of the grounds of the Special Leave Petition are wrong and denied. However, it is submitted that all the proceedings are constitutional, legal and as per provisions of the National Capital Region Planning Act and the Act. The Acquisition of Sector-6 is for public purpose and has been done on the base of development plan 2025 AD Rohtak which was published on 8.9.1998. The development plan 2021 AD has also been approved from National Capital Region Planning Board (NCRPB). It is further submitted that Final Development plan of Rohtak has been approved by the National Capital Region Planning board and the acquisition of sector has been done as per approved development plan. Hence false plea taken is not tenable. The award of acquisition of the disputed land has been announced vide award No. 5 dt. 29.12.2004 fair and adequate compensation as per prevailing market price has been awarded to the petitioners. Further it is submitted that the Govt. released the deserving houses, blocks of thickly populated area. It is relevant to mention here that petitioner's land does not fall in the constructed area. The reply given to

- foregoing paras and position explained in the Preliminary submission above is reiterated.
6. That the contents of Para No. 6 of the Special Leave Petition and the grounds mentioned therein are wrong and denied and have already been answered in the previous paras of the present Special Leave petition. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.
  7. The Prayer of the Special Leave Petition is without merit, misconceived and mala fide in view of the preliminary objections and the reply on merits and grounds. The reply given to foregoing paras and position explained in the Preliminary submission above is reiterated.
  8. The Prayer for interim relief of the Special Leave petition is without merit, misconceived and mala fide in view of the preliminary objections and the reply on merits and grounds.

It is therefore respectfully prayed that the petition may kindly be dismissed with cost and those facts which were not pleaded before the Courts below have not been pleaded in the counter affidavit.

Place: Rohtak  
Dated:

  
Land Acquisition Officer,  
Urban Estate, Hr., Rohtak.

VERIFICATION:

Verified that the contents of para no. 1 to 13 of preliminary objections and paras no. 1 to 8 of the reply on merits and grounds are true which I believe to be correct as per facts derived from office record and nothing has been concealed therein.

Place: Rohtak  
Dated:

  
Land Acquisition Officer,  
Urban Estate, Hr., Rohtak.



Annexure-R-II

OFFICE OF THE EXECUTIVE ENGINEER, HUDA DIVISION NO-II, ROHTAK

To

The Estate Officer,  
HUDA, Rohtak.

Sub:-

Sector-6, Rohtak S.L.P. No. 14692 of 2010. Pawan Kumar etc. V/S  
Haryana Govt. pertaining to Land situation at para .

Please refer to your memo no. 8332-35 dated 23.7.2010 on the subject  
cited above.

In this connection it is intimated that sector-6 come under jurisdiction of  
this office and one no. Clear Water Tank of capacity 3.40 lacs gallons (1543600 liters)  
and boundary wall of boosting station has been constructed in khasra no. 52/4, 52/5. This  
is for your kind information and taking further necessary action please.

(O.P. Sardana)  
Executive Engineer,  
HUDA Division No-II,  
Rohtak

Endst No. 4724

Dated 23.7.2010

A copy of the above is forwarded o the following w.r.t. E.O. HUDA Rohtak endst  
No. 8336-37 dated 23.7.2010 for information and necessary action please.

1. The Administrator HUDA Rohtak.
2. The Land Acquisition Officer Rohtak.
3. The Sub Divisional Engineer HUDA Sub Division Sugar Mill, Rohtak w.r.t. letter  
no. 406 dated 23.6.2010.

(O.P. Sardana)  
Executive Engineer,  
HUDA Division No-II,  
Rohtak

30 NOV 2010

Supreme Court of India

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 14692/2010

IN THE MATTER OF:-

Pawan Kumar & Others

..... Petitioners

Vs.

State of Haryana and Others.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT  
NO. 3 & 8 BY WAY OF AFFIDAVIT OF RESPONDENT NO. 8

I, Anil Dabas, District Town Planner, Rohtak, do hereby  
solemnly affirm and state as under:-

1. That in my official capacity as stated above I am conversant with the facts and circumstances of the above matter.
2. That no facts which were not pleaded before the Courts below have been pleaded in the counter affidavit.
3. That facts stated in the present affidavit are true to my knowledge as per the official record and nothing has been concealed therein.

PRELIMINARY OBJECTIONS:

1. The order of the Hon'ble High Court is very much sustainable in the eyes of law as the same has been passed after hearing on merits. The writ petition was not

maintainable as it had been filed after passing of the award as has been held by the Hon'ble High Court of Punjab and Haryana at Chandigarh in C.W.P. No. 10971 of 2004 decided on 11-2-2008 titled as Banwari Lal and another Versus the State of Haryana and others

Writ petition would not be maintainable after pronouncement of award, as has been held by Hon'ble Supreme Court in the case of Star wire (India) Ltd. V. State of Haryana (1996) 11 SCC 698, Municipal Council Ahmednagar V. Shab Hvider Beig (2000) 2 SCC 48 and C.Padma V. Dr. Secretary to the Government of Tamil Nadu (1997) 2 SCC 627. In the view of the above, Special Leave Petition is liable to be dismissed.

2. That the petitioners were owner of some land falling in revenue estate of village Pada, District Rohtak. The Department of Town and Country Planning Haryana vide notification No. 4587-VDP-69/3719 dated 11-6-1969 declared area around Rohtak City as controlled area under Section - 4 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963. The disputed land falls in the above said Controlled Area. The land was needed by the Govt. for the public purpose namely for the development and utilization of land for residential & commercial sector-6, Rohtak. Therefore, the land in dispute along with other land had been acquired in

accordance with the provision contained in the land Acquisition Act. The planning of the disputed land has been done in Sector-6, Rohtak. The layout cum demarcation plan of sector-6, Rohtak had been approved by C.A. HUDA, as conveyed vide endst. No. CTF-HUDA/DTP-M/1163 dated 6-2-2008. As per the above approved plan the acquired land of the petitioners affects the 10 Marla Plots, 6 Marla Plots, 4 Marla Plots, Dispensary site, Boosting Station (Under Construction), Primary School, Park, Volleyball Hard Court, Group Housing Site, 12 Mtr & 18 Mtr wide roads of Sector-6, Rohtak. Therefore, the present Special Leave Petition is not maintainable and is liable to be dismissed. The approved Layout-cum-Demarcation Plan of Sector-6, Rohtak is Annexed herewith as Annexure R-8/1.

3. That no license has been issued to any private colonizer in respect of the land notified under Section-4 of the notification through which the land of the petitioners have been acquired.
4. That the petitioner No. 6 did not obtain a license to develop a plotted colony from respondent no. 3 (Director, Town & Country Planning, Haryana, Chandigarh) as required under section 3 of the Haryana Development and Regulations of Urban Areas Act, 1975 and thus violated

the provisions of the Haryana Development and Regulations of Urban Areas Act, 1975.

REPLY ON MERITS:-

1. That the Para no. 1 of the Special Leave Petition is matter of record. It is denied that the petitioner is entitled to seek, its grievances from Hon'ble Court.

2. QUESTIONS OF LAW

i). That the para no. i of the Special Leave Petition is wrong and denied. No question of law is involved in the present Special Leave Petition to be decided by the Hon'ble Supreme Court. The land has been acquired for public purpose and all the acquisition proceedings have been made fully in accordance with laws.

ii) & iii). That in reply to the contents of para ii) & iii), it is submitted that the order of the Hon'ble High Court is very much sustainable in the eyes of law as the same has been passed after hearing on merits. The reply given in foregoing paras and position explained in preliminary objection is reiterated.

iv). That the contents of para (iv) of the present Special leave petition do not relate to the answering respondents and hence needs no comments.



- v). That the contents of para (v) of the present Special leave petition do not relate to the answering respondents and hence needs no comments.
- vi). That the contents of para (vi) of the present Special leave petition do not relate to the answering respondents and hence needs no comments.
- vii). That the contents of para (vii) of the present Special leave petition do not relate to the answering respondents and hence needs no comments.

**3. DECLARATION IN TERMS OF RULE 4(2):**

That the contents of para no. 3 of the Special Leave Petition are matter of record and needs no comments.

**4. DECLARATION IN TERMS OF RULE 6:**

That the contents of para no. 4 of the Special Leave Petition are matter of record and hence, no needs no reply. Para 1 to 4 of preliminary objections are reiterated here for the sake of repetition.

**5. GROUNDS:-**

- 1) That para 1 of grounds of the Special Leave Petition is wrong and denied. The order of the Hon'ble High Court is very much sustainable in

the eyes of law as the same has been passed after hearing on merits.

- 2) That para 2) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 3) That para 3) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 4) That in reply to para 4) of grounds of the Special Leave Petition, it is submitted that the petitioner No. 6 did not obtain a license to develop a plotted colony from respondent no. 3 (Director, Town & Country Planning, Haryana, Chandigarh) as required under section 3 of the Haryana Development and Regulations of Urban Areas Act, 1975 and thus violated the provisions of the Haryana Development and Regulations of Urban Areas Act, 1975.
- 5) That para 5) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 6) That in reply to para 6) of grounds of the Special Leave Petition, it is submitted that the petitioner No. 6 did not obtain a license to develop a plotted colony from respondent no. 3 (Director, Town &

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Country Planning, Haryana, Chandigarh) as required under section 3 of the Haryana Development and Regulations of Urban Areas Act, 1975 and thus violated the provisions of the Haryana Development and Regulations of Urban Areas Act, 1975.

- 7) That para 7) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 8) That para 8) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 9) That para 9) of the grounds of the Special Leave Petition do not relate to the answering respondents and hence needs no comments.
- 10) That the para no. 10) of the grounds of the Special Leave Petition are wrong and denied. The order of the Hon'ble High Court is very much sustainable in the eyes of law as the same has been passed after hearing on merits. The reply given to foregoing paras and position explained in the preliminary objections above is reiterated.
- 11) That the contents of para 11) of the grounds of the Special Leave Petition are wrong and denied. The reply given to foregoing paras and position



explained in the preliminary objections above is reiterated.

- 12) That the contents of para 12) of the grounds of the Special Leave Petition are wrong and denied. However, it is submitted that all the proceedings are constitutional, legal and as per the provisions of the National Capital Region Planning Act. The acquisition of Sector 6 is for public purpose and has been done on the basis of Development Plan 2025AD, Rohtak which was published on 8-9-1998. The Development plan 2021AD has also been approved from National Capital Region Planning Board (NCRPB). It is further submitted that Final Development plan of Rohtak has been approved by the National Capital Region Planning Board and the acquisition of the sector-6 has been done as per the approved Development Plan. Hence, plea taken is not tenable.

**6. GROUND FOR INTERIM RELIEF :**

That the contents of para 6 of the Special Leave Petition and the grounds mentioned therein are wrong and denied and have already been answered in the previous paras of the present Special Leave Petition.

The reply given to foregoing paras and position



explained in the Preliminary Objections above is reiterated.

**7. MAIN PRAYER:**

That the prayer of the Special Leave Petition is without merit, misconceived and mala-fide in view of the Preliminary Objections and the reply on merits and grounds. The reply given to foregoing paras and position explained in the Preliminary Objections above is reiterated.

**8. PRAYER FOR INTERIM RELIEF:**

That prayer for interim relief of the Special Leave Petition is with out merit, misconceived and mala fide in view of the Preliminary Objections and the reply on merits and grounds.

It is therefore respectfully prayed that the petition may kindly be dismissed with cost.

Place :- Rohtak  
Dated:

  
District Town Planner,  
Rohtak

**VERIFICATION :**

Verified that the contents of para No. 1 to 4 of Preliminary Objections and para no. 1 to 8 of reply on merits and grounds are true which I believe to be correct as per facts derived from official record and nothing has been concealed therein.

Place: - Rohtak  
Dated:

  
District Town Planner,  
Rohtak

Kamal Ashan Gupta  
Ch. 119, C.K. Dhartiary Supreme

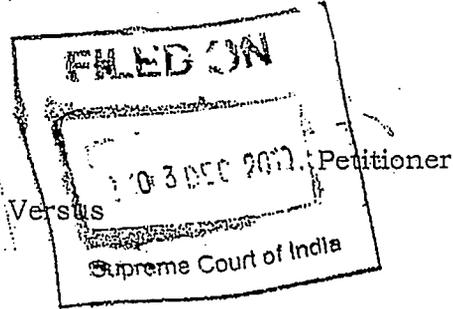
IN THE SUPREME COURT OF INDIA

IN S.L.P (CIVIL) NO. 14692 OF 2010

IN THE MATTER OF

Pawan Kumar &amp; Ors.

State of Haryana &amp; Ors.



...Respondents

COUNTER AFFIDAVIT ON BEHALF OF

RESPONDENT NO. 2, 6 and 7.

I, Jagdish Sharma, H.C.S., Estate Officer, Haryana Urban Development Authority, do hereby solemnly affirm and declare as under :

1. That I am well conversant with the facts and circumstances of the present case and thus competent to file the present Counter Affidavit on behalf of the Estate Officer as well as Chief Administrator, Haryana Urban Development Authority.
2. That the averments made in the petition for special leave to appeal unless specifically admitted to be correct are hereby controverted.



That the present petition for special leave to appeal does not disclose any substantial question of law requiring adjudication by this Hon'ble Court in exercise of its extraordinary jurisdiction under Article 136 of the Constitution of India. The present petition for Special Leave to Appeal is therefore, liable to be summarily dismissed.

4. That the petition for Special Leave to Appeal does not disclose any substantial question of law, unless specifically are denied.

5. That the present petition has been filed to challenge the judgment and order dated 17.2.2010, passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh in CWP No. 2788 of 2010 whereby the Hon'ble High Court has dismissed the Writ Petition in *limini*, keeping in view the fact that the challenge to the Notification dated 1.11.2002, issued under Section 4 of the Land Acquisition Act and the declaration dated 30.12.2002 under Section 6 of the Land Acquisition Act was laid by the petitioners almost eight years and much after the announcement of the award dated 29.12.2004, whereupon the acquired land vested in the State free from all encumbrances in terms of Section 16 of the Land Acquisition Act.

The High Court has arrived at the conclusion that the challenge to the acquisition proceedings, made after the passing of the award and taking of the possession, cannot be entertained at a belated stage in exercise of extraordinary writ jurisdiction under Article 226 of the Constitution of India, especially in view of the enunciation of law by this Hon'ble Court in a series of judgments including judgment reported in *C. Padma Vs. Deputy Secretary to Government of Tamil Nadu (1997) 2 SCC 27*; *Swatika Properties Vs. State of Rajasthan (2008) 4 SCC 695*. In *C. Padma Vs. Deputy Secretary to Government of Tamil Nadu (1997) 2 SCC 27* this Hon'ble Court laid down thus:-

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 "The learned Single Judge and the Division Bench have held that the acquired land having already vested in the State, after receipt of the compensation by the predecessor-in-title of the appellants, they have no right to challenge the notification.



Thus the writ petition and the writ appeal came to be dismissed."

Similarly in *Swaika Properties Vs. State of Rajasthan (2008) 4 SCC 695* this Hon'ble Court laid down thus:-

"Insofar as the contention regarding the possession having not been taken is concerned, the respondents submit that the possession of the land in dispute has already been taken. Be that as it may, the award in respect of the land having become final, the State Government is vested with the powers to take possession of the land concerned and, therefore, there is no reason to disbelieve the claim of the State Government that the possession had been taken before the filing of the writ petition. Moreover, the appellants sought enhancement of compensation by filing reference application under Section 18 of the Land Acquisition Act, 1894. Simultaneously, the appellants filed writ petition before the High Court of Rajasthan after passing of the award.



16. This Court has repeatedly held that a writ petition challenging the notification for acquisition of land, if filed after the possession having been taken, is not maintainable. In *Municipal Corpn. of Greater Bombay v. Industrial Development Investment Co. (P) Ltd.*<sup>1</sup> where K. Ramaswamy, J. speaking for a Bench consisting of His Lordship and S.B. Majmudar, J. held: (SCC p. 520, para 29)

"29. It is thus well-settled law that when there is inordinate delay in filing the writ petition and when all steps taken in the acquisition proceedings have become

final, the Court should be loath to quash the notifications. The High Court has, no doubt, discretionary powers under Article 225 of the Constitution to quash the notification under Section 4(1) and declaration under Section 6. But it should be exercised taking all relevant factors into pragmatic consideration. When the award was passed and possession was taken, the Court should not have exercised its power to quash the award which is a material factor to be taken into consideration before exercising the power under Article 226. The fact that no third-party rights were created in the case is hardly a ground for interference. The Division Bench of the High Court was not right in interfering with the discretion exercised by the learned Single Judge dismissing the writ petition on the ground of laches."

Similarly, in *State of Rajasthan v. D.R. Laxmi*<sup>2</sup> following the decision of this Court in *Municipal Corpn. of Greater Bombay*<sup>1</sup> it was held: (*D.R. Laxmi case*<sup>2</sup>, SCC p. 452, para 9)



"9. ... When the award was passed and possession was taken, the Court should not have exercised its power to quash the award which is a material factor to be taken into consideration before exercising the power under Article 226. The fact that no third-party rights were created in the case, is hardly a ground for interference. The Division Bench of the High Court was not right in interfering with the discretion exercised by the learned Single Judge dismissing the writ petition on the ground of laches."\*

18. To the similar effect is the judgment of this Court in *Municipal Council, Ahmednagar v. Shah Hyder Beig*<sup>3</sup> wherein this Court, following the decision of this Court in *C. Padma v. Dy. Secy. to the Govt. of T.N.*<sup>4</sup> held: (*Shah Hyder case*<sup>3</sup>, SCC p. 55, para 17)

"17. In any event, after the award is passed no writ petition can be filed challenging the acquisition notice or against any proceeding thereunder. This has been the consistent view taken by this Court and in one of the recent cases (*C. Padma v. Dy. Secy. to the Govt. of T.N.*<sup>4</sup>)...."

The view taken by the High Court is absolutely in conformity with the authoritative and consistent enunciation of law and therefore, there is no infirmity in the impugned judgment of the High Court. The present Petition for Special Leave to Appeal, challenging the impugned judgment dated 17.2.2010, is thus clearly misconceived and incompetent and as such liable to be set aside.

6. That the present Petition is also incompetent on account of the clear untenability of the sole submission raised by the petitioners regarding the delay and latches on parity with the grant of relief to similarly situated land owners. It is well established that the grant of relief to similarly situated land owners does not entitle the present petitioners to seek indulgence under Article 226 of the Constitution of India. Reference and reliance in this behalf may be made to the recent decision of this court in the cast of *Om Parkash Vs. State of Haryana (2010) 4 SCC 17*, wherein this court summed up the legal position thus:-



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"The facts of the aforesaid cases would show that in the case in hand as many as four declarations under Section 6 of the Act were issued from time to time. Finally when the declaration is quashed by any court, it would only enure to the benefit of those who had approached the court. It would certainly not extend the benefit to those who had not approached the court or who might have gone into slumber.

75. To us, this appears to be the scheme of the Act and that was the intention of Parliament. That being so, scheme of the Act as has been legislated, has to be given full effect to.

76. We find no ground to grant the same reliefs to those appellants to whom on earlier occasions, same relief was granted. At this long distance of <sup>45</sup> time, it would neither be proper nor legally justified to grant that benefit to the appellants. If it is granted to even those who had not approached the court, then it would frustrate the very purpose and scope of the Act. In the light of the aforesaid, we are of the considered opinion that final quashment of the declaration under Section 6 of the Act by any court, in some other matter, cannot be extended to the benefit of the present appellants. In any case, there is no ground for us, to rise to the occasion to do so, much less to the benefits of the appellants. In our considered opinion, it is not a fit case where situation or circumstances call upon us to rise to the occasion and to grant such inequitable reliefs to the appellants, after such a long delay.

77. Obviously, the appellants cannot be rewarded on account of their own lapse as they should have been vigilant enough to



get their matters also listed along with those in whose favour ultimately judgment was pronounced. Looking to the scheme of the Act, it is obvious that the appellants would certainly suffer the consequence of the interim order passed in some other matters preferred by other landowners challenging the notifications but finally benefit thereof cannot be accrued to the appellants as the same would obviously be confined to those petitioners only in whose favour orders were passed."

The view taken by the High Court, being in consonance with the consistent legal position; laid down by this Hon'ble Court, the present Petition for Special Leave to Appeal is liable to be summarily dismissed. The present petition, at this stage, is therefore, wholly incompetent and liable to be summarily dismissed.

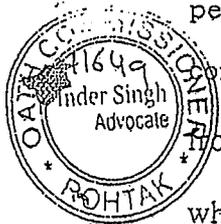
7. That the petitioners are not entitled to any indulgence in exercise of Extraordinary Jurisdiction under Article 136 of the Constitution of India, especially in view of the fact that the petitioners have deliberately withheld that upon announcement of the award, the possession of the land, in question, was taken and a water tank of the capacity of 3.4 gallons and boundary wall of Booster Station, etc. has since been constructed in the acquired land, falling in Khasra Nos. 52/4 and 52/5 as per the report dated 23.07.2010, **Annexure CR-1**. Thus, the acquired land stands utilized for public purpose for which it was acquired, namely, commercial purpose for development of Sector 6, HUDA, Rohtak. The present petition, at this stage, is therefore, wholly incompetent and liable to be summarily dismissed.

8. That the only claim belatedly now put up by the petitioners is on the basis of the petitioner No.6- Haryana Roadways Cooperative



House Building Society Ltd., Rohtak, having purchased the acquired land and carved out the residential plots for allotment/utilization by the petitioners-members of the said Society. This plea is not entertainable for the reason that the acquired land falls in the controlled area in terms of the Declaration under sections 4 and 5 and as per the provisions of Section 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, no land can be used for the purpose other than for which it is used at the time of issuance of Notification under Section 4(1) of the aforementioned Act. For change of land use, requisite permission is required in terms of Section 7 and the contravention of the provisions of Section 7 is envisaged to be an offence in terms of Section 12 punishable with imprisonment and/or fine. The provisions of Section 7 prohibiting the use of land in controlled areas is set out hereunder to facilitate ready reference:-

"7. Prohibition on use of land in controlled areas(1) No land within the controlled area shall, except with the permission of the Director, and on payment of such conversion charges as may be prescribed by the Government from time to time be used for purposes other than those for which it was used on the date of publication of the notification under sub-section (1) of Section 4, and no land within such controlled area shall be used for the purposes of a charcoal-Kiln, pottery kiln, lime-kiln, rick-kiln or bricks field or for quarrying stone, bajri, surkhi, kankar or for other similar extractive or ancillary operation except under an in accordance with the conditions of a licence from the Director



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on payment of such fees and under such conditions as may be prescribed:

Provided that any fee or charges leviable, if not paid within the specified period, shall be recoverable as arrears of land revenue.

(A) Local authorities, firms and undertakings of Government, colonizers and persons exempted from obtaining a licence under the Haryana Development and Regulation of Urban Areas Act, 1975, and authorities involved in land development will also be liable to pay conversion charges but they shall be exempt from making an application under section 8 of this Act.

(2) The renewal of such licences may be made after three years on payment of such fees as may be prescribed."

It is an undisputed position that even though the land, in question, falls within the controlled area, the question of carving out of plots for the purpose of raising construction is unauthorized and illegal and is, indeed, in violation of the provisions of Section 7 of the aforementioned Act. Such an unauthorized act cannot be made basis for challenging the acquisition proceedings, especially in view of the law laid down by this Hon'ble Court in the case of *Ram*

*Krishan Mahajan Vs. Union Territory of Chandigarh 2007 6*

SCC 634:

27 "28. We find that the respondents had good reasons for not acquiring lands over which there stood permanent structures which had been raised after getting building plans sanctioned from the authority concerned. The appellant has nowhere averred that he had raised the structure after getting a building

plan duly sanctioned by the authority concerned. The mere fact that the shop was given a number is not at all relevant in the facts of the case."

9. That the principal issue raised by the petitioners in the High Court as well as before this Hon'ble Court is in respect of lease of land of several other persons whose land also sought to be acquired along with the present acquisition. This plea is baseless and has been rightly rejected by the High Court by observing that the petitioners have to stand on their own legs and cannot fall back on the release/de-notification of the acquired land in favour of other people even if they are similarly situated. This conclusion of the High court is based on the consistent legal position enunciation by this Hon'ble Court in a series of judgments including judgment reported in *Secretary, Jaipur Development Authority Vs. Devalat Mal Jain* (1997) 1 SCC 35; *Vishal Properties Versus State of Uttar Pradesh* (2007) 11 SCC 172; and the latest decision of three Judges Bench of this Hon'ble Court in *Bondu Ramawami Vs. Bangalore Development Authority* (2010) 7 SCC 129, this Hon'ble Court summed up the legal position thus:

"We are conscious of the fact that when a person subjected to blatant discrimination, approaches a court seeking equal treatment, he expects relief similar to what others have been granted. All that he is interested is getting relief for himself, as others. He is not interested in getting the relief illegally granted to others, quashed. Nor is he interested in knowing whether others were granted relief legally or about the distinction between positive equality and negative equality. In fact he will be reluctant to approach courts for quashing the



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relief granted to others on the ground that it is illegal, as he does not want to incur the wrath of those who have benefited from the wrong action. As a result, in most cases those who benefit by the illegal grants/ actions by authorities, get away with the benefit, while others who are not fortunate to have "connections" or "money power" suffer. But these are not the grounds for courts to enforce negative equality and perpetuate the illegality.

144. The fact that an Authority has extended favours illegally in the case of several persons cannot be a ground for courts to issue a mandamus directing repetition thereof, by applying the principle of equality. Article 14 guarantees equality before law and not equality in subverting law nor equality in securing illegal benefits. But courts cannot be silent bystanders if the acquisition process is used by officers of the Authority with ulterior or mala fide motives. For example, let us take a case where 2000 acres are required for a project as per the development scheme, but the preliminary notification is issued in respect of 3000 acres; and when the landowners "apply" or "approach" the Authority, 1000 acres of lands are released. Or take a case where a project required 1000 acres of contiguous land for a development project, and preliminary notice is accordingly issued for acquisition of a compact contiguous extent of 1000 acres; but thereafter without any logical explanation or perceivable reason, several large areas in the midst of the proposed layout, are denotified or deleted making it virtually impossible to execute the development scheme, as proposed. In the absence of satisfactory explanations in such a



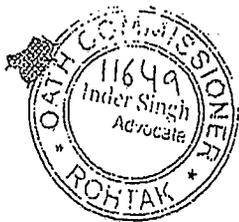
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case, it may be necessary to presume that there was misuse or abuse of the acquisition process. Be that as it may.

145. We may illustrate the principle relating to positive and negative equality with reference to following notional acquisition cases:

(i) Where a petitioner's land and his neighbour's land are of similar size and have similar structures and are similarly situated, and the policy of the Development Authority is to withdraw the acquisition in respect of lands which are "constructed", if the neighbour's land is deleted from the proposed acquisition on the ground that it has a construction of 1000 sq ft and the petitioner's land is not so deleted, the petitioner will be entitled to relief on the ground of discrimination. But if the neighbour's land measures 2000 sq ft and contains a house of 1000 sq ft and the petitioner's land measures one acre and contains a house measuring 1000 sq ft, the petitioner cannot obviously contend that because his neighbour's property was deleted from acquisition, being a land with a construction, his one acre land should also be deleted in entirety from the acquisition, as it had a 1000 sq ft construction. But it may be possible for him to contend that an extent equal to what was released to his neighbour, should be released.

(ii) Where the lands owned by two neighbours are equal in size having similar structures, but one was constructed before the preliminary notification after obtaining a licence and the other was constructed after the



preliminary notification unauthorisedly, the owner of the land with the unauthorised structure cannot obviously claim parity with the owner of the land with the authorised structure, for seeking deletion from acquisition.

(iii) Where the vacant lands of A and B—two neighbours are acquired, the Authority had a policy to delete properties with constructions, as on the date of preliminary notification. Both put up unauthorised structures clandestinely overnight, after the preliminary notification. The land of B is deleted from acquisition on the ground that it has a construction. If A approaches court and claims release of his land claiming parity with B, the claim will have to be rejected. But, where the Authority admits that B's land was deleted even though the construction was subsequent to preliminary notification, the court may direct the Authority to take appropriate action in accordance with law for cancelling the deletion.



(iv) If in a village all the lands are notified and subsequently all lands except two or three small pockets are deleted without any valid ground, the persons whose lands were acquired can also seek deletion, on the ground that all the surrounding lands have been deleted. The court cannot direct deletion merely because the surrounding lands were deleted, as those deletions were illegal and not based on any valid policy. But the petitioners can contend that the very purpose of

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acquisition had been rendered infructuous by deletion of the majority of lands from the proposed acquisition, and the project or the scheme has ceased to exist and cannot be executed only with reference to their lands. In such a case, relief can be granted not on the ground that there has been discrimination, but on the ground that the proposed development scheme became non-existent on account of most of the lands being deleted from acquisition.

Therefore, a landowner is not entitled to seek deletion of his land from acquisition, merely on the ground that lands of some others have been deleted. He should make out a justifiable cause for deleting his land from acquisition."

The plea raised by the petitioners is thus *ex facie* untenable and liable to be rejected.

10. That the facts stated against the date 18.5.1993 regarding the registration of Society-petitioner No.6 have no relevance for determination of the present controversy, as the validity of the acquisition proceedings are not affected in any manner on account of the existence and status of the petitioner-society.

11. That the facts stated against the date 7.4.1998 regarding the purchase of land measuring 16 kanals out of a chunk of land 66 kanals 18 mallas situated in Village Padda, District Rohtak are matter of record and need no reply, besides being wholly irrelevant for determination of the present controversy.

12. That the facts stated against the date 10.4.1998 regarding the land carving out of plots out of the land purchased by the petitioners-society are denied for want of knowledge. It is, however,



submitted that as per the provisions of Section 4 and 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the land in question stood declared as controlled area. Therefore, it was not permissible for anyone to change the land use in respect of the land in question. It is submitted and clarified that at the time of declaration of controlled area, the land in question was being used for agricultural purposes and could be used only for that purpose except with the prior permission of the competent authority in terms of Section 7 contemplating the grant of permission to change land use. There being no change of land use, permission sought or obtained by the petitioners, the question of carving out of the plots or changing the land use without permission of the competent authority under Section 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 could not arise. Indeed, such change of land use amounts to violation and contravention of the provisions of Section 7 of the Act and is a criminal offence punishable under Section 12 of the Act. Therefore, the allegation of carving out of plots cannot be taken cognizance in these proceedings. As regards the dues clearance certificate, agreements and possession certificates issued by the society-petitioner No.6 in favour of other petitioners, the same are denied for want of knowledge and have to be ignored being in violation of law. It is also submitted that an act carried out in violation of law cannot be made subject matter of indulgence in the proceedings under Articles 136/226 of the Constitution of India relating to discretionary and extraordinary jurisdiction.



13. That the facts stated against date 5.6.1999 relating to mutation of the land in favour of society-petitioner No.6 are denied for want of knowledge. In any case, the same has no bearing on the entitlement of the petitioners to seek release of land from acquisition.

14. That the facts stated against date 14.7.99 relating to General Power of Attorney in favour of the society having been executed by various owners of the land-petitioners are denied for want of knowledge, besides being wholly irrelevant for determination of the present controversy.

15. That the facts stated against date 2000-2001 relating to the name of the petitioners being reflected in the revenue records are matter of record and need no reply. This fact is, however of no significance for determination of the present controversy relating to the validity of the acquisition proceedings or the prayer for release of land from acquisition.

As regards the carving out of plots by the society, it is submitted that the land in question being subject to use for agricultural purpose at the time of issuance of notification of controlled area under Section 4 and 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the question of carving out plots for raising construction etc, could not arise without prior permission of the competent authority under Section 7 of the Act. This illegal and unauthorized act if carried out by the petitioners-society, it has no bearing for challenging the acquisition proceedings or for seeking release of land from acquisition.

16. That the facts stated against date 1.1.2006 relating to the issuance of Notification under section 4 of the Land Acquisition Act



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for development of the acquired land for commercial purposes in Sector 6, HUDA, Rohtak, as per the Notification Annexure P-6 are matter of record and need no reply.

17. That the facts stated against date 30.1.2002 regarding the filing of objections by the petitioners in respect of the acquisition of land are matter of record and need no reply. The whole basis of these objections Annexure P-7 is that the land has been purchased by the society and the society has carved out plots therefrom. Since the land in question falls in the controlled area and the change of land use is not permissible without prior permission of the competent authority under Section 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the above objections regarding carving out of plots were ex-facie incompetent and misconceived and could not be taken cognizance of.

18. That the facts stated against date 30.12.2002 regarding the Declaration under Section 6 of the Land Acquisition Act having been issued by the State Government, are matter of record and need no reply.



19. That the facts stated with respect to the release of land and also relating to some of the land owners challenging the acquisition proceedings in the High Court and consequent release of land by the State Government are matter of record and need no reply. It is, however, submitted that during the pendency of the litigation, the competent authority examined the feasibility to release the land and considered each case individually as per its merits. However, the release of land of other land owners does not entitle the petitioners to seek the similar relief especially when the petitioners did not choose

to question the acquisition proceedings or seek release for almost 8 years.

20. That the facts stated against date 29.12.2004 regarding the award having been announced by the Collector are matter of record and need no reply. However, it is submitted even after the award, physical possession of some of the lands could not be taken especially in view of the challenge to the acquisition proceedings being pending in various courts. Accordingly, the competent authority examined these matters and left out various portions as per Annexure P-9 keeping in view the fact that the replying respondents were not able to take possession of the acquired land and the developmental work in this behalf was getting delayed. The submission of the petitioners that release of land after the announcement of award is not permissible is misconceived in as much as in terms of Section 16 of the Land Acquisition Act, the acquired land vest in the State from all encumbrances once the award is announced and the possession in consequence thereof is taken by the competent authority. Similarly under Section 48 of the Acquisition Act, the Government is at liberty to withdraw from the acquisition of any land of which possession has not been taken.

The relevant provisions of Section 48 are reproduced thus to facilitate ready reference:-

77 "48. Completion of acquisition not compulsory, but compensation to be awarded when not completed.—(1)

Except in the case provided for in Section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.



(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section."

21. That the facts stated against the date 3.11.2006 are matter of record and need no reply. As submitted above, the issue regarding the release of land in various pockets was examined by the competent authority vide Annexure P-10 and it was found that where the possession of land could not be taken from the land owners; the request for change of land use was under consideration; and in respect of the land which could not be put to gainful utilization by the requiring authority or where structures existed warranting the exclusion of land from acquisition, the same may be considered accordingly. Thus, the decision contained in Annexure P-10 have been taken in larger public interest and suffered from no infirmity. Even otherwise, the petitioners are not entitled to and have no locus standi to question the said decisions as they cannot claim any parity in this behalf.



22. That the facts stated against the date 25.10.2008 regarding the representations alleged to have been made by the petitioners for the release of land are matter of record and need no reply. However, it is submitted that such a request was wholly untenable, as the

acquired land belonged to the petitioners had already been put to utilization by the requiring authority and, therefore, it was not possible to release the said land.

23. That the facts stated against the date regarding the representation **Annexure P-12** alleged to have been made by the petitioners for release of land are matter of record and need no reply. It has been consistently laid down by this Hon'ble Court in various judgments including the recent decision in the case of **Om Parkash Vs. State of Haryana 2010 4 SCC 17** that making of successive representations for release of land does not entitle the petitioners to seek challenge to the acquisition proceedings at a belated stage.

24. That the facts stated against dated 2010 regarding filing of CWP No. 2788 of 2010 by the petitioners before the High Court of Punjab and Haryana at Chandigarh are matter of record and need no reply. The High Court has considered the Writ Petition in detail and vide judgment dated 17.2.2010 dismissed the Writ Petition filed by the petitioners.

25. That the facts stated against dated 5.5.2010 regarding the filing of the present petition for special leave to appeal are matter of record and need no reply.

26. That the averments made in Para 1 of the Petition for special leave to appeal are matter of record and need no reply.

27. That the averments made in Para 2 of the petition for special leave to appeal are wrong and denied. There is no question of law requiring the consideration of this Hon'ble Court under Article 136 of the Constitution of India.

28. That the averments made in Para 3 of the petition for special leave to appeal are denied for want of knowledge.



29. That the averments made in Para 4 of the petition for special leave to appeal are denied for want of knowledge.

30. That the averments made in Para 5 of the petition for special leave to appeal are wrong and denied. Reply to sub paras is as under.

31. That the averments made in sub para (1) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied.

32. That the averments made in sub para (2) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. There is no warrant to challenge the acquisition proceedings at such a belated stage especially after the announcement of award and taking of physical possession of the acquired land whereafter the land vested in the replying respondent free from all encumbrances.

33. That the averments made in sub para (3) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. There is no warrant to challenge the acquisition proceedings at such a belated stage especially after the announcement of award and taking of physical possession of the acquired land whereafter the land vested in the replying respondent free from all encumbrances.

34. That the averments made in sub para (4) of para 5 of the ground taken in support of the petition for special leave to appeal are denied for want of knowledge besides being wholly irrelevant. The formation of the petitioner society has nothing to do with the validity of the acquisition proceedings. Similarly illegal carving of plots without obtaining the requisite change of land use permission is



absolutely inconsequential. The High Court has properly appreciated the entire controversy and the impugned judgment of the High Court do not suffer from any infirmity.

35. That the averments made in sub para (5) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. The plea of discrimination is baseless and has been rightly rejected by the High Court by observing that the petitioners have to stand on their own legs and cannot fall back on the release/de-notification of the acquired land in favour of other people even if they are similarly situated. This conclusion of the High court is based on the consistent legal position enunciation by this Hon'ble Court in a series of judgments referred to in the previous paragraphs of this counter affidavit. The plea raised by the petitioners is thus liable to be rejected.

36. That the averments made in sub para (6) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. Both the pleas raised by the petitioners have been properly examined by the High Court and have been rightly rejected. There is no substance in either of the pleas and the present petition is wholly misconceived and liable to be rejected.

37. That the averments made in sub para (7) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. The High Court has properly appreciated the entire controversy and has rightly held that the petitioners have to stand on their own legs and cannot fall back on the release/de-notification of the acquired land in favour of other people even if they are similarly situated. The conclusion of the High court is based on the consistent legal position enunciation by this Hon'ble Court in a



series of judgments referred to in the previous paragraphs of this counter affidavit. Release of land after the award pursuant to the pendency of the court case or direction of the Court in the matter filed prior to the award has no bearing to the case of the petitioners. The plea raised by the petitioners is thus liable to be rejected.

38. That the averments made in sub para (9) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. The High Court has properly appreciated the entire controversy and the impugned judgment of the High Court do not suffer from any infirmity.

39. That the averments made in sub para (10) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. The High Court has properly appreciated the entire controversy and the impugned judgment of the High Court do not suffer from any infirmity. The judgment of this Hon'ble Court in BEML Employees House Building case has no bearing to the facts of the present case. The plea raised by the petitioners is thus liable to be rejected.

40. That the averments made in sub para (11) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied. The High Court has properly appreciated the entire controversy and the plea raised in sub para is totally misconceived. The plea raised by the petitioners is thus liable to be rejected.

42. That the averments made in sub para (12) of para 5 of the ground taken in support of the petition for special leave to appeal are wrong and denied besides being wholly irrelevant. The plea raised by the petitioners is thus liable to be rejected.



43. That the averments made in para 6 of the Petition for Special Leave to Appeal are wrong and denied. There does not exist any ground for the grant of any interim relief.

44. That the averments made in para 7 of the Petition for Special Leave to Appeal are wrong and denied. The Petition for Special Leave to Appeal is liable to be rejected, inter alia, on the ground set out heretofore. The Petition for Special Leave to Appeal is wholly misconceived and incompetent and is as such liable to be rejected.

It may be thus ordered.

45. That the averments made in para 8 of the Petition for Special Leave to Appeal are wrong and denied. The petitioner is not entitled to any interim relief.

46. That no new facts have been averred in the present Counter Affidavit.

Verified at Rohtak on this the \_\_\_ day of November, 2010.

*Land freed.*

*Rohtak  
HUDA  
29/11/10.*



*73*  
**DEPONENT**

*2 Capital Land Bayh  
market.  
Advocate  
M.L.Sharma  
no. 9811537909*

Certified that foregoing was made on O.A. before me  
this.....*25*.....day of.....*11*.....20*10*.....Rohtak  
by Sh.....*J.S. Sharma*.....Resident of.....*...*.....  
Sh.....*D.S. Sharma*.....who is personally  
known to me. Certified further that this affidavit has been  
read and explained to the deponent who seems perfectly  
to understand the same at the time of making thereof

*[Signature]*  
OATH COMMISSIONER  
ROHTAK

SECTION IV B

Listed on

Court No.

IN THE SUPREME COURT OF INDIA Item No.  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 14692 OF 2010.

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO.4

(Application for permission for publication in the newspaper)

Pawan Kumar & Ors.

....Petitioner(s)

Versus

State of Haryana & Ors.

....Respondent(s)

OFFICE REPORT ON DEFAULT

The matter above mentioned was listed before the Ld. Registrar Court on 27.1.2011, when the Court was pleased to pass the following order:-

"Ld. Counsel for the petitioner has not filed the proof of dasti in relation to unserved respondents even after the last chance granted. Hence, place the matter before the Hon'ble Judge in Chambers for appropriate order."

It is submitted that counsel for the petitioner has not filed affidavit with proof of publication so far. Instead of filing proof of publication, counsel for the petitioner has again on 4.1.2011 filed another application for publication stating therein that respondent no. 2 i.e. Chief Administrator, HUDA may be directed to publish the notice in the newspapers in respect of all the unserved respondents.

It is further submitted that counsel for the petitioner has on 4.2.2011 filed affidavit with proof of

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service of notice on respondent nos. 2-9, 11, 12, 15-37, 39-54, 56-75, 77-115, 117-135, 137-216, 219-259, 264-273, 278-285, 289-319, 321-344, 347-355, 357, 358, 360-398, 400-402, 404-450, 452-485, 487-506 & 1534-1540 but there is no order for effecting dasti service on the respondents. Counsel for the Petitioner has also filed affidavit with proof of service <sup>of</sup> some parties which are not respondents in this matter.

The default of the Advocate is, therefore, reported to the Hon'ble Judge in Chambers with this affidavit report.

Dated this the 8<sup>th</sup> February, 2011.

*Sd/-*  
ASSISTANT REGISTRAR

Samiksha

SECTION IV B

Listed on.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCourt No.  
Item No.INTERLOCUTORY APPLICATION NO. 7  
(Application for substituted service)

AND

INTERLOCUTORY APPLICATION NO. 8  
(application for impleadment as petitioner)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 14692 OF 2010WITH PRAYER FOR INTERIM RELIEF

Pavan Kumar &amp; Ors.

...Petitioner(s)

Versus

State of Haryana &amp; Ors.

...Respondent(s)

OFFICE REPORT

It is submitted that counsel for the petitioner has on 11.08.2011 filed application for substituted service stating therein to direct the Commissioner Secretary, Estate Department, Haryana, Civil Secretariat, Chandigarh to publish the show cause notice in the newspaper.

It is further submitted that Mr. Rishi Malhotra, Advocate has on 8.1.2011 filed application for impleadment of two applicants as petitioners with Vakalatnama/Memo of Appearance and Annexure-A/1 to Annexure A/3.

The applications are, therefore, listed before the Hon'ble Judge in Chambers with this office report.

Dated this the 08th day of November, 2011.

sdl/-  
ASSISTANT REGISTRAR

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SECTION IV B  
Listed on. 02.01.2012  
Court No.6  
Item No.2

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 6  
(Application for vacation of stay)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(C)NO. 14692 OF 2010  
WITH PRAYER FOR INTERIM RELIEF

Pavan Kumar & Ors.

...Petitioner(s)

Versus

State of Haryana & Ors.

...Respondent(s)

REVISED OFFICE REPORT

I.A. No. 6 i.e. (Application for vacation of stay) was listed before the Hon'ble Court on 02.11.2011 when the Court was pleased to pass the following Order:

"This is an application for vacating interim order dated 24.5.2010.

Learned Additional Advocate General appearing for the State of Haryana requests for an adjournment to enable him to file better affidavit in terms of the Court's order dated 24.05.2010.

In view of the request made by the learned Additional Advocate General, hearing of the application is adjourned for eight weeks with liberty to the State to file additional affidavit within four weeks."

It is submitted that counsel for the State of Haryana has not filed additional affidavit so far.

It is further submitted that Ms. Pratibha Jain, Adv. has on 22.12.2011 filed Counter Affidavit on behalf of respondent no. 14 in I.A. (Copy of the same is circulated to the Hon'ble Court).

Service of show cause notice is not complete in the SLP.

The application is, therefore, listed before the

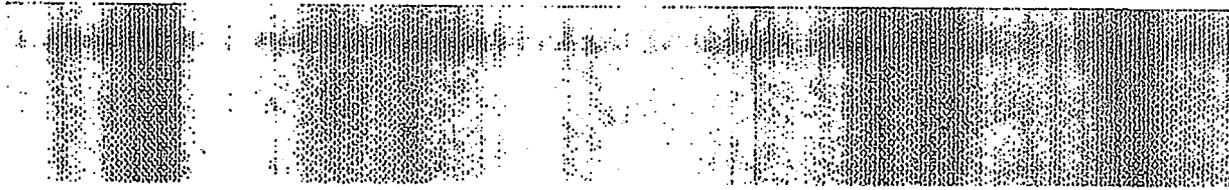
197

Hon'ble Court with this office report.

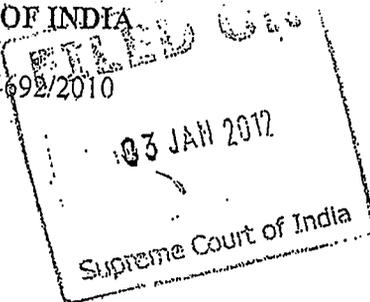
Dated this the 23th day of December, 2011.

ASSISTANT REGISTRAR

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IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (C) NO. 14692/2010



IN THE MATTER OF:-

Pawan Kumar & others.

...Petitioner

Versus

State of Haryana & Others.

...Respondents

Additional Affidavit on behalf of the Respondents no. 1 and 9

I, Satyabir Singh, Land Acquisition Officer, Urban Estate, Haryana, Rohtak, do

hereby solemnly affirm and state as under:-

1. That in my official capacity as stated above, I am conversant with the facts and circumstances of the above matter.
2. That no facts which were not pleaded before the Courts below have been pleaded in the additional affidavit.
3. That facts stated in the present affidavit are true to my knowledge as per the official record and nothing has been concealed therein.

RESPECTFULLY SHOWETH :

1. That the petitioner has not approached this Hon'ble High Court with clean hands and has made misleading allegations. The petitioner is also not a law abiding citizen and the site which is subject matter of SLP is part of an unauthorized colony carved out in violation of the Haryana Development and Regulation of Urban Area Act, 1975. The petitioner was required to get the licence under the Haryana Development and Regulation of Urban Area Act, 1975. No application in this regard has been made to the competent authority for grant of licence. Rather an effort was made to carry out illegal development at site. The District Town Planner, Rohtak initiated criminal proceedings resulting into the

registration of FIR No. 869/1992 in re - sub division of land into a colony as it was in violation of section 7(i) of the Haryana Development and Regulation of Urban Area Act, 1975. It is admitted fact that the efforts have been made by petitioner to carve out an unauthorized/illegal colony in violation of the applicable regulatory Act. This Hon'ble Court in "Tek Ram Dahiya V/s State of Haryana", SLP (Civil) No. 28469 of 2011 vide its orders dated 31.10.2011 has taken a serious note of such unlawful act of the petitioner therein. It has been held that petitioner was not entitled to the benefit of release under the policy of the Government as its acts were not bonafide.

The petitioners have also concealed the facts that the land measuring 11kanal 4 marla belonging to petitioners society which could not be integrated with the planning of the sectors has also been released.

The facts and circumstances regarding the process of acquisition has been given in the succeeding paras and the land in question, alongwith other lands falling in sector 4,5 and 6 of Rohtak, has been acquired in accordance with the provisions of Land Acquisition Act, 1894 (herein after referred to as the Act). It is pertinent to submit that out of the land notified under the impugned notifications no land has been released to grant licence to any Builder(s) for developing a housing/urban project.

2. That the notification under section-4 of the Act amended by the Central Act, 68 of 1984, was issued for land measuring 632.28 acres of village Para and 186.79 acres of Village Rohtak, Tehsil & District Rohtak vide notification no. LAC (F) - NTLA/2002/72 dated 1.1.2002.

3. The land owners were given an opportunity to file objections u/s-5A of the Act, and the land owners availed the opportunity. Accordingly, the report was sent to the Govt. and after considering the matter and report of Land Acquisition Collector, it was decided to acquire the vacant land of the petitioners. It is relevant to mention here that total land measuring 255.64 acres of village Para and Rohtak has been left out from the acquisition u/s-5A of the Act because of constructions existing thereupon.

4. Thereafter the declaration under section-6 of the Act of land measuring 434.68 acres area of Village Para and 128.75 acres area of Village Rohtak vide notification no. LAC (F)-

NTLA/2002/128 dated 30.12.2002 was issued by the appropriate authority in accordance with the provisions of the Act.

5. That in pursuance of the orders of the then Hon'ble Chief Minister, Haryana, the entire area of sector 6 was re-surveyed and a Joint Inspection Report was sent to Directorate of Urban Estates. The issue of release of land of thickly built-up areas in the instant sector was discussed and it was directed that the identification of thickly built-up area in the form of compact blocks may be got done from field officers and same may be submitted to the Government. Site visit was conducted by Joint Inspection Committee comprising of Administrator HUDA, Hissar; LAO Hissar; DTP(HQ) HUDA, Panchkula; SE HUDA, Rohtak; Senior Town Planner Rohtak; District Town Planner Rohtak and Deputy Superintendent office of Directorate, Urban Estates on 14.12.04. A report of Joint Inspection Committee dated 13.12.04/14.12.04 was examined in the office of Directorate of Urban Estates. It was concluded that the built up area is existing in various pockets. Therefore, the Govt. decided to release land measuring 25.36-acres of village Para and 5.95 acres of village Rohtak (total 31.31-acres) of Sector-6, Rohtak with the condition that the owners will pay External Development Charges (EDC) to HUDA.
6. That the notices u/s-9 of the Act were issued on 5.11.2004 and 8.11.2004 to enable the land owners to file their claims. After considering the individual claims on 24.11.2004, the award for the acquisition of the total land measuring 532.12 acres i.e 409.32 acres of Village Para and land measuring 122.80 acre of Village Rohtak was announced vide award No. 5&6 dt. 29.12.2004.
7. That during the acquisition proceedings large number of writ petitions (approximately -70) were filed by various land owners in the Hon'ble High Court. Some of these writ petitions were filed subsequent to pronouncement of award. The Hon'ble High Court was pleased to issue directions for stay dispossession in these writ petitions. The office of Chief Minister, Haryana continued to receive representations against acquisition of constructed residential houses with the request to release the same. In total, 283 representations were received in this regard. It was observed that physical possession of approximately 160 acres of land could not be obtained on account of the interim orders of the Hon'ble High Court. Physical possession continued to be with the land owners. It was also observed that constructions in some of the cases, where stay dispossession was

operational had come up after issuance of notification under section 4. In view of the above referred circumstances, inspection/re-survey of the area was carried out and the areas which were not affected on account of stay dispossession orders and could be gainfully utilized by HUDA for undertaking development were identified. The survey also revealed that the some of the pockets falling within the areas affected with stay dispossession were either small or these land locked pockets, could not have been gainfully utilized by HUDA for undertaking development works.

Keeping in view the peculiar facts and circumstances of the cases, the Government passed following orders on 24.07.2006:-

- (i) The area outside the black boundary on the maps of the sazra plan of sectors 4, 5 & 6 be excluded from acquisition, the land being in the possession of owners. However, the land for which compensation has already been accepted would be released only on recovery of the compensation amount along with 5.5% interest.
- (ii) Certain individual structures, which are still existing on the land being acquired, will be excluded from acquisition with proportionate open area and suitably adjusted in the layout plan.
- (iii) In respect of the land belonging to Shri Jagbir Singh Narwal etc. since request for CLU is under consideration for this land separately it be also excluded from acquisition except the land required for road.
- (iv) On khasra No. 41/16 samadhis exist, hence this land be also excluded from acquisition.
- (v) The area in sector 6 in between Gohana Road and Pocket-A is so located that it cannot be gainfully utilized by HUDA, and structure also exist on this land, hence this land be excluded from acquisition, and
- (vi) The land required for sector roads in sectors 4,5 & 6 and internal roads in sector 6 will not be released.

It is pertinent to mention here that the land measuring 11 kanal 4 marla of the petitioners society which could not be integrated with the planning of the sector has been released vide these orders.

8. That the above sequence of events indicate that the Government had decided to exclude thickly built up and inhabited areas from acquisition proceedings after notification under section 4 & 6. Subsequent to award, in view of the fact that large area was involved in the writ petitions making it impossible to carry out development works as well as the areas which were land locked within the areas affected by these writs, the Government decided to release 197.94 acres of land (119.36 of village Para and 78.58 of village Rohtak) after award. These lands were released on the normal terms and conditions.
9. That the efforts by the petitioners to draw parity between the land release of individual land owners where residential constructions existed and the pockets which were land locked, is totally misleading. The physical possession of the land relating to the petitioner/Haryana Roadways Co-operative Society, Sector-6 Rohtak with whom the petitioner has claimed his allegiance has already been taken and development works have been initiated. In fact, a boosting station has already been constructed on part of the site in accordance with the approved layout plan. The impugned site also affects the continuation of 24 meter wide and 12 meter wide roads as well as number of residential plots planned in this area. The site also affect the area earmarked for dispensary site. The fact that the possession is with the State Respondents, is also supported by the dictum of this Hon'ble Court in "Parhlad Singh & others V/s Union of India & others" in Civil Appeal No. 3779 of 2011. As explained above, in this case also, the physical possession of land has been taken by State/Respondents and have carried out development activities at site.
10. The State Government has been following a policy since August, 1991 to consider the release of land for which licence applications are under consideration under Haryana Development of Urban Area Act 1975. The policy was formalized and issued by the Government vide letter dated 26.10.2007 after deliberation in the Hon'ble High Court in CWP No. 10412 of 2007 and was taken on record by the Hon'ble High Court. This policy has further been amended vide policy dated 24.01.2011. True typed copy of the said policy is annexed as Annexure-R-1, for ready reference. The State Government can consider cases for release of land from acquisition where the ownership of the areas requested for license is prior to section 4 notifications. But it is clarified here that under the impugned notifications, no land has been released under this policy to grant licence under the Act *ibid*.

11. That part of Annexure-P-9 (page 87 to 91) is order dated 12/6/2006, issued by Director. Urban Estate Department, Haryana and the same pertains to land not covered under the same impugned notifications and the land is part of different sector i.e. Sector- 27 of Urban Estate, Rohtak.

In view of the submissions made above it is, therefore, respectfully prayed that the petition may kindly be dismissed with cost.

Place: Rohtak  
Dated:

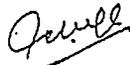


Deponent

VERIFICATION:

Verified that the contents of para no. 1 to 11 of the additional affidavit are true which I believe to be correct as per facts derived from office record and nothing has been concealed therein.

Place: Rohtak  
Dated:



Deponent

KAMAL MOHAN GUPTA, A.O.R.  
119, C.K. Daphtary Block  
M. 9818443112

Annexure-R-1

From

Financial Commissioner & Principal Secretary  
to Govt., Haryana, Urban Estates & Town and  
Country Planning Department.

To

1. Director General,  
Urban Estates, Haryana,  
Panchkula.

2. The Director General,  
Town and Country Planning,  
Haryana, Chandigarh.

Memo No. 5/30/2007-2TCP Dated: 24.01.2011

Subject: - Policy regarding release of land from acquisition proceedings.

In supersession of the earlier policy framed vide letter No. 5/30/2007-2TCP dated  
26.10.2007.

After careful consideration of the facts and circumstances, the Government has felt the need to  
review the policy referred to above. The amended policy regarding release of land will be as  
under:-

1. Only those requests will be considered by the Government for release of land under Section  
48(1) where objections under section 5-A were filed in following cases:-

a) Any request or application where structure has been constructed provided the structure existed  
prior to section 4, is inhabited and is being used by the owner.

his own residential purposes.

b) Any factory or commercial establishment which existed prior to section 4 provided it was  
functional at the time of Section 4 and is also functional at the moment.

c) Any religious institution or any building owned by community which is being used for  
community purposes.

2. That the Government may also consider release of land belonging to individual applicants  
involving self inhabited structures, factory or commercial establishment or community or  
religious buildings, where the owner has approached the Hon'ble High Court and has obtained  
stay dispossession/ status-quo or any restraint order. In such cases, the decision will be taken on  
the merits of each individual case keeping in view the benefit to the development agency in  
terms of providing linkages, services and in the interest of planned development. However, this  
clause will not be invoked for grant of licence for development of colonies.

3. Any land in respect of which an application under Section 3 of the Haryana Development and  
Regulation of Urban Areas Act, 1975 has been made by the owner prior to issuance of Section 6

for converting the land into a colony may also be considered for release subject to the condition that ownership of the land is prior to the notification under Section 4 of the Act. In case, individual land owner makes application for grant of licence in collaboration with the developer/colonizer, the collaboration agreements should be registered before the Registering Authority before issuance of Section 6 notification. This clause will be made applicable on the applications received after this policy has come into effect. Provided that the Government may release any land on the grounds other than stated above under Section 48(1) of the Act under exceptionally justifiable circumstances for the reasons to be recorded in writing.

4. This policy will come into force with immediate effect.

Sd/-  
(T.C.Gupta, IAS),  
Special Secretary,  
for Financial Commissioner & Principal  
Secy. to Govt. Haryana,  
Urban Estates & Town and Country  
Planning, Department.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 14692 OF 2010

IN THE MATTER OF:-

Pawan Kumar & Others -----Petitioners

VERSUS

State Of Haryana & Others ----Respondents

**AFFIDAVIT OF THE PETITIONERS IN REPLY TO  
THE ADDITIONAL AFFIDAVIT FILED BY  
RESPONDENTS.**

I, Ved Pal, S/o Shri Surat Singh, aged about 56 years, R/o 15/9 Ram Nagar Rohtak, Vice Secretary The Haryana Roadways Cooperative House Building Society Limited (Regd.) at present at New Delhi do hereby solemnly affirm and state as under:-

1. That I am one of the Petitioners in the above mentioned matter and I am conversant with facts and circumstances of the case. Hence, I am competent to swear this affidavit.
2. That the land of the present petitioners was acquired vide notification dated 01.01.2002. Thereafter the entire area of sector 6 which also contained the land of the petitioners was resurveyed and it was decided that

the built up area existing in the various pockets may be released from acquisition. This decision was based on the report of the joint committee dated 14.12.2004. As a result of this land measuring 25.36 acres of village Para and 5.95 acres of village Rohtak, total of 31.31 acres of sector 6 Rohtak was released on the condition that owners will pay the development charges. It is pertinent to mention here that the land so released did not have any habitation and even till date there is no habitation and the entire land so released is in the form of fields etc. The petitioners respectfully submit that this aspect of the matter may be got examined by directing the ~~Ld.~~ District Judge Rohtak to inspect the said area and make a report.

3. That as per the orders of the government dated 24.07.2006 the land outside the black boundary on the map of sector 4, 5 and 6 was to be excluded from acquisition. It was further mentioned that land for which compensation was accepted would be released only on recovery of compensation along with interest. It was also directed that individual structures existing on the land would be excluded from acquisition. The present petitioners submit that so far their land is concerned they had constructed structures over the

said land and had also made pucca roads, boundary walls and electric polls were also erected there. In so far as land belonging to Shri. Jagbir Singh Narwal is concerned it is submitted that his land was released because he was very close to the present chief minister of Haryana. So far lease of land of khasra no. 41/16 is concerned the same has been released because there exists a Samadhi. It is submitted that Samadhi is on an area of less than 200 sq. feet but the entire piece of land had been leased. Similarly land of political influential persons Late Shri. Seth Sirikrisan Das was released because he was a minister in the government.

4. It has been stated in the affidavit that land of the cooperative society has already been taken and development work had been initiated. This statement is not correct because possession of the entire land is with the petitioners and only a boundary wall has been constructed and no other development has been done or even initiated till date. The housing society of the petitioners consists of persons who have only limited means and who have spent money in getting allotment of small plots in their name and are hoping to build their small houses of their own. The land of the petitioners has not been released because they do not

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petitioners has not been released because they do not have any approach with the high up authorities whereas land of the influential persons has been released without any basis. This act of the authorities amounts to discrimination so far as the petitioners are concerned. The petitioners have been requesting the authorities to treat them at par with those persons whose land has been released and the authorities have been assuring them that the matter is being looked into and the release of their land is under consideration. By letter No. C-5-08/14294 dated 26.11.2008 the petitioners were informed that their request for the release of the land has been rejected. Thereafter the writ petition was filed in the high court challenging the said acquisition out of which the present Special Leave Petition arises.

5. That the contents of my above affidavit are true to my knowledge and nothing false has been stated therein.

**DEPONENT**

**VERIFICATION:-**

I, Verified at New Delhi on this 23th March, 2012, that the contents of my above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

**DEPONENT**

नाम :- रघु शेख नामचा वास्तविकी साल 2004-05  
 भांडी - पाडा तहसील जिला - रोहताक

8 पैट्ट शक सभत 1926 अनुसार 29 दिसम्बर 2004

मुजामदरी  
 मुजामदरी

445 आज शेख मुजामदरी कलकत्ता शहर (नरक) जिला  
 दारुवादी इलाहा द्वारा मुजामदरी - 6 रोहताक क जिला  
 जाम दादा इ. नं. 67 नरक क जिला रोहताक की  
 409.32 एकड़ मुजामदरी करवाल द्वारा जाम की जा  
 रही है 1 जिला की आधी मुजामदरी नारा - 6 कलकत्ता  
 LAC (R) 2002/128 दिनांक 30-12-2002 का जारी  
 कराई गई थी 1 मुजामदरी के मुजामदरी के लान मुजामदरी  
 हिजात मकान, 2 मुजामदरी का मुजामदरी का मुजामदरी  
 जोड़कर कर जिला जाम है 1 मुजामदरी के रजलरा नरक

इक प्रकार है :- 
$$\frac{10}{3-4-5-\frac{16}{1}-\frac{16}{2}-\frac{16}{3} \text{ मिन } -\frac{24}{2}-\frac{24}{3}-25}$$

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$$11/2/1 - 11/2/2 - 12 - 14 \frac{8}{11} - 15 - 16 - 17 \frac{8}{11} - 20 - \frac{20}{1} - \frac{20}{2} - 25 \frac{8}{11}$$

12

$$5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21$$

12

13

$$22 - 23 - 24 - \frac{25}{1} - \frac{25}{2} \quad 10 - \frac{11}{1} - \frac{11}{2} - 12 - 17 - 18 - 19 - 20 - \frac{21}{1} - \frac{21}{2} - \frac{21}{3}$$

13

21

$$\frac{22}{2} - 23 - 24 - 25 \quad 1 - 9 - 10 - 11 - 12 - \frac{13}{1} - \frac{13}{2} - 16 - 17 - 18 - \frac{19}{1} - \frac{19}{2}$$

21

$$\frac{19}{3} - \frac{20}{1} - \frac{20}{2/2} - \frac{20}{2/3} - \frac{21}{1} - \frac{21}{2} - \frac{22}{1} - \frac{22}{2} - 23 - 24 - \frac{25}{1}$$

22

$$\frac{1}{1} - \frac{1}{2} - \frac{2}{1} - \frac{2}{2} - 3 - 4 - 5 - \frac{6}{1} - \frac{6}{2} - 7 - 8 - 9 - 10 - 11 - 12 - 13$$

22

$$14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - \frac{24}{1} - \frac{24}{2} - 25$$

23

$$\frac{1}{1} - \frac{1}{2} - 2 - 3 - 4 - \frac{5}{1} - \frac{5}{2} - 6 - 7 - 8 - 9 - \frac{10}{1} - \frac{10}{2} - \frac{11}{1} - \frac{11}{2}$$

23

$$12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - \frac{20}{1} - \frac{20}{2} - \frac{20}{3} - \frac{20}{4} - \frac{20}{5} - 21$$

23

24

$$23 - 24 - 25 \quad \frac{5}{2} - 6 - \frac{7}{1} - \frac{7}{2} - \frac{8}{1} - \frac{8}{2} - \frac{9}{1} - 11 - \frac{12}{1} - \frac{12}{2} - \frac{13}{1} - \frac{13}{2}$$

24

$$14 - \frac{15}{1} - \frac{15}{2} - 16 - \frac{17}{1} - \frac{17}{2} - \frac{18}{1} - \frac{18}{2} - 19 - 20 - 21 - 22 - \frac{23}{1} - \frac{23}{2}$$

24

$$\frac{24}{1} - \frac{24}{2} - \frac{24}{3} - \frac{24}{4} - \frac{24}{5} - \frac{24}{6} - \frac{24}{7} - \frac{24}{8} - \frac{24}{9} - \frac{24}{10} - \frac{25}{1} - \frac{25}{2}$$

25

$$3 - \frac{4}{1} - \frac{4}{2} - \frac{4}{3} - \frac{5}{1/1} - \frac{5}{1/2} - \frac{6}{1/1} - \frac{6}{1/2} - \frac{6}{1/3} - \frac{6}{1/4} - \frac{6}{2/1} - \frac{6}{2/2}$$

25

$$\frac{7}{1} - \frac{7}{2} \frac{8}{11} - \frac{9}{1} - \frac{9}{2/1} - \frac{9}{2/2} - \frac{11}{1} - \frac{11}{2} - 12 - \frac{13}{1} - \frac{13}{2} - \frac{14}{1} - \frac{14}{2} - \frac{14}{3}$$

8

25

$$15 - \frac{16}{1} - \frac{16}{2} - \frac{17}{1} - \frac{17}{2} - \frac{18}{1} - \frac{18}{2} - 19 - 20 - 22 - \frac{23}{1} - \frac{23}{2} - 24 - \frac{25}{1} - \frac{25}{2}$$

28

$$4 - 5 - \frac{6}{1} - \frac{6}{2} \quad | \quad \frac{3}{1} - \frac{3}{2} - 4 - \frac{5}{1} - \frac{5}{2} - 6 - 7 - \frac{8}{1} - \frac{8}{2} - 14 - 15 - 16$$

29

$$\frac{25}{1} - \frac{25}{2} \quad | \quad 30 \quad | \quad 1 - \frac{2}{1} - \frac{2}{2} - \frac{2}{3} - 3 - 4 - 5 - 6 - \frac{7}{1} - \frac{7}{2} - \frac{7}{3} - \frac{8}{1} - \frac{8}{2} - \frac{9}{1} - \frac{9}{2}$$

30

$$\frac{10}{1} - 11 - 12 - 13 - \frac{14}{1} - \frac{14}{2} - 15 - 16 - 17 - 18 - 19 - \frac{20}{1} - \frac{20}{2} - 21 - \frac{22}{1} - \frac{22}{2}$$

30

$$\frac{23}{1} - 24 - 25 \quad | \quad 31 \quad | \quad 1 - 3 - 4 - 5 - \frac{6}{1} - \frac{6}{2} - 7 - 8 - 9 - 10 - 11 - 12 - 13 - \frac{14}{1} - \frac{14}{2}$$

31

$$\frac{15}{1} - \frac{15}{2} - 16 - \frac{17}{1} - \frac{17}{2} - 18 - 19 - 20 - 21 - 22 - 23 - 24 - \frac{25}{1} - \frac{25}{2}$$

32

$$1 - 2 - \frac{3}{1} - \frac{3}{2} - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - \frac{14}{1} - \frac{14}{2} - \frac{15}{1} - \frac{15}{2}$$

32

$$16 - 17 - 18 - 19 - 21 - 22 - 23 - 24 - 25 \quad | \quad 33 \quad | \quad 1 - 2 - 3 - 4 - 7 - 8 - 9 - 10$$

33

$$11 - 12 - 13 - 14 - 18 - 19 - \frac{20}{1} - \frac{20}{2} - 21 - 22 - \frac{23}{1} \quad | \quad 40 \quad | \quad 1 - 2 - \frac{3}{1} - \frac{3}{2} - \frac{9}{1} - \frac{9}{2}$$

40

$$\frac{10}{1} - \frac{10}{2} - \frac{10}{3} - \frac{10}{2} - 11 - \frac{12}{1} - \frac{20}{1} - \frac{20}{2} - 21 \quad | \quad 41 \quad | \quad 1 - 2 - 3 - 4 - 5 - 6$$

41

$$\frac{7}{1} - \frac{7}{2} - \frac{7}{2} - 8 - 9 - 10 - 11 - 12 - 13 - \frac{14}{1} - \frac{14}{2} - \frac{14}{3} - \frac{14}{4} - \frac{15}{1} - \frac{15}{2} - \frac{15}{3}$$

41

$$21 - 16 - 17 - 18 - 19 - \frac{20}{1} - \frac{20}{2} - 23 - 24 - \frac{25}{1} - \frac{25}{2} \quad | \quad 42 \quad | \quad \frac{1}{1} - \frac{1}{2} - 2 - \frac{1}{1} - 2 - \frac{1}{2}$$

42

$$3 - 4 - \frac{5}{1} - \frac{5}{2} - \frac{6}{1} - \frac{6}{2} - \frac{7}{1} - \frac{7}{2} - \frac{7}{2} - 8 - 9 - \frac{10}{1} - \frac{10}{2} - \frac{11}{1} - \frac{11}{2}$$

8

h2

$$\frac{12}{1} - \frac{12}{2/1} - \frac{12}{2/2} - 13 - \frac{14}{1} - \frac{14}{2} - \frac{14}{3} - \frac{15}{1} - \frac{15}{2} - \frac{15}{3} - 16 - \frac{17}{1} - \frac{17}{2}$$

h2

$$\frac{18}{1} - \frac{18}{2} - \frac{18}{3} - \frac{18}{4} - \frac{18}{5} - \frac{18}{6} - \frac{18}{7} - \frac{18}{8} - \frac{18}{9} - \frac{18}{10} - \frac{19}{1/1} - \frac{19}{1/2} - \frac{19}{1/3}$$

h2

$$\frac{19}{1/4} - \frac{19}{2} - \frac{19}{3/1} - \frac{19}{3/2} - \frac{20}{1} - \frac{20}{2/1} - \frac{20}{2/2} - \frac{20}{2/3} - \frac{20}{2/4} - \frac{20}{2/5} - \frac{20}{2/8}$$

h2

$$\frac{20}{2/6} - \frac{20}{2/7} - \frac{21}{1} - \frac{21}{2} - \frac{21}{3} - \frac{21}{4} - \frac{21}{5} - \frac{21}{6} - \frac{21}{7} - \frac{22}{1/1} - \frac{22}{1/2} - \frac{22}{1/3}$$

h2

$$\frac{22}{2/2/1} - \frac{22}{2/2/2} - \frac{22}{2/2/3} - \frac{22}{2/2/4} - \frac{22}{2/2/1/1} - \frac{22}{2/2/1/2} - \frac{22}{2/2/1/3} - \frac{23}{1} - \frac{23}{2}$$

h2

$$\frac{23}{3} - \frac{23}{4} - \frac{23}{5} - \frac{23}{6} - \frac{23}{7} - \frac{23}{8} - \frac{23}{9} - \frac{24}{1} - \frac{24}{2} - \frac{24}{3} - \frac{24}{4} - \frac{24}{5} - \frac{24}{6} - \frac{25}{5} - \frac{25}{6}$$

h3

$$\frac{1}{1} - \frac{1}{2} - 2 - 3 - 4 - 5 - 6 - 7 - \frac{8}{1} - \frac{8}{2} - 9 - 10 - 11 - \frac{12}{2} - 13 - \frac{14}{1/2} - \frac{14}{1} - \frac{15}{2} - \frac{15}{3}$$

h3

$$\frac{16}{1} - \frac{16}{2} - \frac{17}{1} - \frac{17}{2} - \frac{17}{3} - \frac{17}{4} - 18 - 19 - \frac{22}{1} - \frac{22}{2} - \frac{22}{3} - \frac{22}{4/1} - \frac{22}{4/2}$$

h3

$$\frac{22}{4/3} - \frac{22}{4/4} - \frac{22}{4/5} - \frac{22}{4/6} - \frac{22}{4/7} - \frac{22}{4/8} - \frac{22}{4/9} - 23 - 24 - \frac{25}{1/1}$$

h3

$$\frac{25}{1/2} - \frac{25}{2/2} - \frac{25}{2/2/2} - \frac{25}{2/2/3} - \frac{25}{2/2/4} - \frac{25}{2/2/5} \quad | \quad h4$$

50

$$3 - \frac{4}{1} - \frac{4}{2} - \frac{5}{1} - \frac{5}{2} - \frac{6}{1} - \frac{6}{2} - 7 - \frac{7}{2} - 8 - \frac{13}{1/1} - \frac{13}{1/2} - \frac{13}{1/3} - \frac{13}{1/4}$$

50

$$\frac{13}{1/5} - \frac{13}{1/6} - \frac{13}{1/7} - \frac{13}{1/8} - \frac{13}{1/9} - \frac{13}{1/10} - \frac{13}{1/11} - \frac{13}{1/12} - \frac{13}{1/13} - \frac{13}{1/14}$$

50

$$\frac{13}{1/15} - \frac{13}{1/16} - \frac{13}{1/17} - \frac{13}{1/18} - \frac{13}{1/19} - \frac{13}{1/20} - \frac{13}{1/21} - \frac{13}{2/1} - \frac{13}{2/2} - \frac{13}{2/3}$$

50

$$13/2/4 - 13/2/5 - 13/2/6 - 13/2/7 - 13/2/8 - \frac{14}{1} \frac{14}{2} - \frac{14}{2} - \frac{14}{2/3} - \frac{14}{2/4} - \frac{14}{2/5}$$

50

$$14/2/6 - 14/2/7 - 14/2/8 - 14/2/9 - 14/2/10 - 14/2/11 - 14/2/12 - 14/2/13 - 14/2/14 - 14/2/15$$

50

$$14/2/16 - 15 - 16 - \frac{17}{1} - \frac{17}{2} - \frac{17}{3} - \frac{18}{1} - \frac{18}{2} - \frac{18}{3} - \frac{18}{4} - \frac{18}{5} - \frac{18}{6} - \frac{18}{7} - \frac{18}{8}$$

50

$$18/9/1 - 18/9/2 - \frac{18}{10} - \frac{18}{11} - \frac{18}{12} - \frac{18}{13} - \frac{18}{14} - \frac{18}{15} - \frac{18}{16} - \frac{18}{17} - \frac{18}{18} - \frac{18}{19}$$

50

$$\frac{18}{20} - \frac{18}{21} - \frac{18}{22} - \frac{18}{23} - \frac{18}{24} - \frac{25}{1} - \frac{25}{2} - \frac{25}{3} - \frac{25}{4} - \frac{25}{5} - \frac{25}{6/1} - \frac{25}{6/2}$$

50

$$25/7/1 - 25/7/2 - \frac{25}{8} - \frac{25}{9} - \frac{25}{10} - \frac{25}{11} - \frac{25}{12} - \frac{25}{13} - \frac{25}{14} - \frac{25}{15} - \frac{25}{16}$$

50

$$\frac{25}{17} - \frac{25}{18} - \frac{25}{19} - \frac{25}{20} - \frac{25}{21} - \frac{25}{22} - \frac{25}{23} \quad | \quad 51$$

51

$$1 - \frac{2}{1} - \frac{2}{2} - \frac{3}{1} - \frac{3}{2} - \frac{3}{2}$$

51

$$\frac{4}{1} - \frac{4}{2} - 5 - \frac{6}{2} - 7 - \frac{8}{1} - \frac{8}{2} - 9 - 10 - 11 - 12 - 13 - 14 - \frac{15}{1} - \frac{15}{2}$$

51

$$\frac{16}{1} - \frac{16}{2} - 17 - 18 - 19 - \frac{20}{1} - \frac{20}{2} - 21 - 22 - 23 - 24 - \frac{25}{1} - \frac{25}{2}$$

52

$$\frac{1}{1} - \frac{1}{2} - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - \frac{10}{1} - \frac{10}{2} - \frac{11}{1} - \frac{11}{2} - 12 - 13 -$$

52

$$\frac{14}{1} - \frac{14}{2} - \frac{15}{1} - \frac{17}{2} - 18 - 19 - 20 - 21 - 22 - 23 - \frac{24}{1/2} - \frac{24}{2}$$

53

60

61

$$\frac{1}{1} \quad | \quad 1 - \frac{2}{1} - \frac{2}{2} - 3 - \frac{4}{1} - \frac{4}{2} \quad | \quad 1 - 2 - \frac{3}{1} - \frac{3}{2} - \frac{3}{4} - \frac{3}{5} - \frac{3}{6}$$

61

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61

$\frac{3}{7} - \frac{3}{8} - \frac{3}{9} - \frac{3}{10} - \frac{3}{11} - \frac{3}{12} - \frac{3}{13} - \frac{3}{14} - \frac{3}{15} - \frac{3}{16} - \frac{3}{17} - \frac{3}{18} - \frac{3}{19} - \frac{3}{20}$

61

$\frac{3}{21} - \frac{3}{22} - 4 - 5 - 9 - 10 - \frac{11}{1} - \frac{20}{1} - \frac{20}{2} - \frac{20}{3} - \frac{21}{2} - \frac{21}{3} - \frac{22}{1} - \frac{22}{2}$

62

$\frac{16}{1} - \frac{16}{2} - \frac{16}{3} - 17$  |  $\frac{6}{2} - \frac{15}{1}$  |  $14 - \frac{15}{1} - \frac{15}{2} - 16 - \frac{17}{1} - \frac{17}{2} - \frac{17}{3}$

63

70

70

$\frac{24}{11} - \frac{24}{21} - \frac{25}{2}$

समांतर क्रम नं 129-140-142-143-144-

145-149 क्रम संकाय मासिक 409.32 रुकें 21 रुकें  
 प्रमाण की प्रमाण की गई है आज तक माननीय उच्च  
 न्यायालय से रिट नं. 19846/04 सुप्रीम कोर्ट सिद्धि 19925/04  
 दिल्ली सिद्धि 19828/04 न्यायालय 19919/04 न्यायालय सिद्धि  
 19981/04 मानसिक आदि 19460/04 सिद्धि सिद्धि 19469/04  
 राम कुमार शर्मा हुए है, तथा आज तक पारित आदेशों  
 की मान्य होगी। रिटों के आदेश कानून चोट कर शेष  
 शेष का कानून शेष अर्जित कालक 22 दिनांक द्वारा शेष  
 का कानून सिद्धि आदेशकारी हुआ रोडवक के आदेश द्वारा  
 प्राथमिकी की नदारी सिद्धि नदारी को माके पर दे दिया गया है  
 आज से इतल शेष पर दारिद्र्य शहरी विकास प्राधिकरण की  
 पूर्ण रूप से कानून है शेष है इतली मुनादी व मुशतरी  
 प्राथमिकी नदारी नदारी नदारी द्वारा न्यायालय मुनादी  
 नदारी (कानून) कानून नदारी नदारी नदारी नदारी नदारी नदारी  
 नदारी की गई है। कुछ शेष पर शेष के कानून को दे है  
 है, शेष कानून द्वारा अनुरोध करने पर उनको 15 अप्रैल 2005  
 तक का कानून नदारी नदारी नदारी है.

ल.टी.1 नदारी नदारी

Rajendra Singh

श्रीमान् जी, न्याय प्रणाली नदारी  
 उच्च न्यायालय नदारी नदारी नदारी  
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 22/3/17