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IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI
ORIGINAL APPLICATION NO. 124 OF 2024
 (I.A.No.291/2025, I.A.No.453/2025, I.A. No.
 450/2024, I.A No. 551/2024)

IN THE MATTER OF

SUKHBIR SINGH

... APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

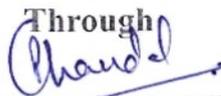
... RESPONDENTS

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Place: New Delhi
 Date: 31.08.2025

SUBMITTED BY:
RESPONDENT NO.5

Through


PIYUSH CHANDEL

(Advocate for Respondent No.5)

A 22 LGF, Shivalik Colony, Malviya Nagar, New Delhi-110017
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**IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI
ORIGINAL APPLICATION NO. 124 OF 2024**

(I.A.No.291/2025, I.A.No.453/2025, I.A. No.
450/2024, I.A No. 551/2024)

Sukhbir Singh

Applicant

Versus

Union of India & Ors.

Respondents

Clarification/reply by way of Affidavit of Sh. Ashish Kumar, HCS, Estate Officer, HSVP(respondent-5), Rohtak in compliance of order dated 28.08.2025.

1. That the instant application is pending before this Hon'ble bench and is fixed for 03.09.2025 for reply and pronouncement of order.
2. That this Hon'ble bench pleased to pass directions in the instant matter vide order dated 28.08.2025, the relevant part is reproduced as under:-

"However, since the question as to applicability of status quo order passed by the Hon'ble Supreme Court to the subject land is involved, by way of abundant caution a clarification is required as to whether the land in question is



subject matter of the above said writ petition or any part of the land in question has been released by any order passed by the Director, Urban Estate Department, Haryana the validity of which has been questioned by Hon'ble Supreme Court and parties to which have been ordered to be impleaded as respondents."

3. That the land in question i.e. the land involved in instant original application is not the subject matter of SLP No. 14692 of 2010 titled as Pawan Kumar and Others V/s State of Haryana and Others. The applicant; Sukhbir Singh might be impleaded as respondent in above stated SLP due to the reason of release of land measuring 3-Kanal 3-Marla comprising in Mustil No. 70 Killa No. 17/2 (1K-15M), 24//1/1 (OK-13M) and 24/2/1(OK-15M) situated in revenue estate of Village Pada, Rohtak. **The copy of the release order dated 03.11.2006 issued by Govt. of Haryana is annexed as Annexure-R1.**
4. That the order of status quo was granted by the Hon'ble Supreme Court vide order dated 24.05.2010 which was modified on a later stage vide order dated 20.04.2012 by the Hon'ble Apex Court in response to the application submitted by HSVP with respect to allotment of plots whose land was not in the land owned by petitioners in SLP. The petitioners land in said SLP and the land involved in the instant original



4

application is quite different. The same fact had already been acknowledged by Hon'ble Apex Court in order dated 20.04.2012 after the no objection from Ld. Counsel Mr. Dhruv Mehta, Sr. Counsel who appeared for the petitioners in SLP No. 14692 of 2010. The operative part of order dated 20.04.2012 is reproduced as under:-

"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 24.05.2010 is modified to the limited extent of allowing allotment of plots to the members of the applicant. In view of the above, order dated 24.05.2010 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. "

copy of SLP 14692/2010 is attached herewith as annexure R-2 and copy of order dated 24.05.2010 & 20.04.2012 is attached herewith as annexure R-3

(colly)

That there is a clear distinction between the land involved in said SLP and the land involved in the



instant original application. So, there is no question of the operation of order of status quo in the instant matter and the same can be confirmed by the SLP petition filed by Pawan Kumar . The details of the land involved in both the matters are as under in tabular form:

Land involved in SLP No. 14692 of 2010 titled as Pawan Kumar and Others V/s State of Haryana and Others	Land involved in original application 124/2024
Land measuring 66 Kanal 18 Marla comprising in Khasra 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) and 14/1(6-4)	Land measuring 59 Kanal 14 Marla comprising in Khasra/Killa No. 33//20/2 (0-13), 21(8-0), 40//1(7-11), 41//7/2 (3-8), 8 (8-0), 9(8-0), 12(8-0), 13(8-0) 18(8-0)

6. It is pertinent to mention here that that the applicant and his brother Rajbir Singh has earlier approached the High Court of Punjab and Haryana against the acquisition for releasing their land qua the property which was also involved in present original application but the same was dismissed vide order dated



- 06.05.2024 and 21.09.2023. The copies of orders are already on record as annexure R-4 (page-178 &183) of reply of respondent -5. That aggrieved by the order of Punjab and Haryana High Court, the brother of applicant namely Rajbir Singh has also approached the hon'ble Supreme Court against the order in CWP 7064/2008 titled as Rajbir Singh vs state of Haryana and the hon'ble Supreme court has also dismissed the SLP 25243/2023 vide order dated 01.12.2023. Copy of order is already on record as annexure R-6 (page-188).
7. It is pertinent to mention here that the dispute with respect to the land in question has already been decided by the Hon'ble Supreme Court.
8. It is pertinent to mention here that the allottees who have been allotted plots in the land in question of present case has approached the Punjab and Haryana High Court in a contempt petition against the respondent no-5 in CWP-2835-2024 Titted as Mulakh-Raj Chawla and ors vs HSVP, " whereas the High Court in said CWP has directed the HSVP to complete all the development works at the site, whereas possession of the plots/sites will be handed over to the petitioners/allottes at earliest. **copy of order dated 08.02.2024 is attached herewith as annexure R-4**".
9. That due to the present ongoing litigation, the possession could not be delivered to the allottees and



again the allottees have filed fresh contempt petition⁷ i.e. COCP-1826/2025 titled as Mulakh Raj Chawla vs Chander Shekhar and others against the HSVP. That in contempt, the HSVP has filed the status report regarding non compliance of order dated 08.02.2024 and now the same is listed for 05.09.2025, **copy of order dated 09.04.2025 & 09.07.2025 is attached herewith as annexure R-5 (colly)**. It is pertinent to mention here that in the present OA, the Hon'ble Tribunal has never directed respondent 5 to maintain status quo or any direction with respect to stay in property in question. It is further pertinent to mention here that the status quo which was directed by the Hon'ble Supreme Court in case Pawan Kumar and others vs state of Haryana in SLP-14692/2010 has no concern with present original application as stated above.

10. It is therefore requested that the present OA-124/2024 is liable to be dismissed and the applicant is not entitled to take advantage of any relief/stay as stated above in the interest of justice.

Place- New Delhi

Dated-

Deponent



Verification:

Verified that the contents of the affidavit are true and correct to the best of my knowledge on the basis of information received and derived from official records maintained in the ordinary course of its business. No part of it is false and nothing has been concealed therein.

Place- New Delhi

Dated-


Deponent

ATTESTED
Lalita Rani
LALITA RANI
ADVOCATE
NOTARY PUBLIC
ROHTAK

30/12/23

From

Director,
Urban Estate Department Haryana,
Panchkula.

To

Administrator,
HUDA, Rohtak.

Memo No :-

Dated :-

Sub:- Regarding release of land/ houses in sector 4, 5 & 6 Rohtak from acquisition.

In reference to subject cited above :

Regarding the subject cited above, you are intimated that Govt. has decided to release the structures/ land situated in sector 4, 5 & 6 Rohtak from acquisition on basis of general condition of land release which are as under :-

- i) The area outside the black boundary on the maps of the sazra plan of sector - 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 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.
- vi) The land required for sector roads in sector 4, 5 & 6 and internal roads in sector-6 will not be released.

Govt. has depicted the land/ structures which are to be released in the annexed sazra plan accordingly the details of owner of land (structure) to be released has been prepared by LAO Hisar, the copy of the same is attached herewith.

Shree
True Copy

Therefore, you are requested to coordinate with LAO Hisar and DTP Rohtak and to issue release order at your own level in consonance with the above cited orders after receiving due, proportionate development fee according to the general conditions of Govt. regarding release of land. Also to execute the agreement with land-owners regarding said conditions and if there is any Court case filed by any applicant regarding. The land in question in any court of law, that is to be withdrawn. If any condition is to be imposed at your own level, that may also be imposed.

Apart from this, if compensation has been received by any applicable. That is to be refunded to HUDA alongwith interest by @ 5.50%. As evident from para no. III to IV, it is mentioned that no land will be released falling in roads and internal roads.

Hence, you are requested to do further necessary action according to the above mentioned conditions under intimation to this office.

DA/ as above.

Additional Director,
Urban Estate Department Haryana,
Panchkula.

Endst No :-

Dated :-

A copy of above is :-

1. Engineer-in-Chief of HUDA, Panchkula
2. Chief Administrator, HUDA Town Planning Wing, Panchkula
3. Director, Town and Country Planning Dept. Hry., Chandigarh
4. District Town Planner, Rohtak
5. Land Acquisition Officer, Hisar
6. Estate Officer, HUDA, Rohtak
7. Chief Finance Controller, HUDA , Panchkula

For information and necessary action.

*Shd
Toule Gby*

Additional Director,
Urban Estate Department Haryana,
Panchkula.

Details of the land released by Govt. vide order dated 03.11.2006

Xxx	xxxxx	xxxxx
<u>139</u> <u>1095</u>	Sukhbir Singh S/o Maha Singh	<u>70</u>
368 1329		17/2 1-15
		<u>24</u> 0-13
		1/1
		<u>24</u> 0-15
		2/1 -----
		3-3

*Shal
True Copy*

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

RISHI MAHOUR
ADVOCATE, SUPREME COURT
131, OLD LAWYERS CHAMBERS
SUPREME COURT OF INDIA
NEW DELHI
PHONE: 24339999
MOB: 9810110999

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A

IN THE SUPREME COURT OF INDIA
 [CIVIL APPELLATE JURISDICTION]
SPECIAL LEAVE PETITION No. OF 2010

IN THE MATTER OF:

Pawan Kumar & Ors.

...Petitioners

VERSUS

State of Haryana & Ors.

...Respondents

OFFICE REPORT ON LIMITATION

1. The petition against the order dated _____ is within time.
2. The Petition is barred by time and there is delay of ___ days in filing the same against the order. petition for condonation of ___ days delay has been filed.
3. There is delay of ___ days in re-filing the petition and petition for condonation of ___ days delay in re-filing has been filed.

NEW DELHI;

BRANCH OFFICER

DATED: 5.5.2010

B

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 Co-operative 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 10 kanals out of the land comprised in Muzara No.52//2 (8-0), 3 (7-

C

12), 4 (8-0), 5 (8-0), 6 (8-0), 7 (8-0), 8 (7-12),
13 (7-1), 14/1 (6-4), total measuring 66

kanals 18 marks situated in the revenue
estate of village Pada, District Rohtak, copy
of sale deed dated 7.4.1998.

10.04.1998

That after carrying out the plan, all the
members 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 to 40).

D

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 Afs Shajra is annexed and marked as ANNEXURE P-5 @ PG.15.

E

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 13 marlas situated in the revenue estate of village Pada, District Rohtak was in

F

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 7.4.93 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 cut and possession of the plots were given on the basis of the agreement.

0.12.2002

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 71

TO _____

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

H

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	632.25 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 their land will be released from the acquisition.

The respondent has 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.

I

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.

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 of the land Acquisition Act 1984.

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

J

list of persons whose land has been left out from the acquisition is ANNEXURE P-9 (Colly) (Pages 3 to 91).

It is pertinent to mention 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

25.10.2008
as AT

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 :IUDA 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

M

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.

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.)[^] through its President Shri Ram Kishan
Kumar.

6. The Haryana Roadways Cooperative House
Building Society Limited (Regd.)[^] through its
President Shri Ram Kishan.

--- Petitioners

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.

3

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, 1st 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, 1st Floor, Cannought 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

5

section 6 of the Land Acquisition Act, 1894 has been determined 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

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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 Chaziabad 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,

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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.

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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 3.11.2008 (No. 16/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 land 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.

Respectfully sheweth :-

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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 land 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.

Respectfully sheweth :-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP NO. 2753 of 2010

Date of Decision: February 17, 2010

Pawan Kumar and others ---Petitioners

V. vs

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.

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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. 18993 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 these 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

February 17, 2010

(JITENDRA CHAUHAN)
JUDGE

(Regd) Sector -6 near to
Disit Rohtak through its
President Shri
Kishan.

Petitioner
No.6

Petitioner
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, 3C
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

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

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

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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 the 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 the fact that the petitioners land can be released from the acquisition in view of the law laid down by the Hon'ble Court of India in Ghaziabad Shiromani Sahkari Awas 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? AIR 1991 SC 64
- iii) Whether the Hon'ble High Court was justified in not appreciating the 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):

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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

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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 Honble 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 Honble 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 Honble 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 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 Honble 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.

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- 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

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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 capriciousness 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

6. GROUNDS 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 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.

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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 Nation. Capital Regional Planning Board, New Delhi constitute 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.

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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

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) (Phoolan Wati Arora)
 Sr.P.A. Court Master

ITEM NO.2

COURT NO.5

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 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: 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.

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

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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

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.

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(Sukhbir Paul Kaur)
Court Master

(Phoolan Wati Arora)
Court Master



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2835-2024

Date of decision: 08.02.2024

Mulakh Raj Chawla and others ...Petitioners

Versus

Haryana Shehri Vikas Pradhikaran and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vikas Chatrath, Advocate,
Mr. Sachit Katoch, Advocate,
Mr. Abhishek Singla, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, to command the respondents to deliver actual physical possession of the plots/sites that were allotted to the petitioners.

Learned counsel for the petitioners submits that pursuant to the allotments, most of the petitioners have since deposited the entire sale consideration. So much so, few of them have even deposited the additional price, owing to enhancement in the cost of acquisition. And, in terms of Clause 7 of the letter of allotment dated 21.05.2012 (P-1), the respondents were obliged to deliver possession within three years from the date of allotment, after completion of development works. However, even though, over a decade has gone by, but the petitioners are yet to be delivered possession. Rather, in the given situation, the respondents are also liable to pay interest on the amount deposited by them, post expiry of three years of the issuance of the letter of allotment, till the delivery of possession.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. He



submits that physical possession of the allotted sites could not be delivered to the petitioners, owing to the acquisition proceedings, being under challenge before this Court in CWP-7064-2008 (Rajbir Singh Vs. State of Haryana and others), which was dismissed on 21.09.2023. And the Special Leave to Appeal (C) No(s). 25243/2023, preferred against the said order and judgment, has also been dismissed by the Supreme Court on 01.12.2023. Resultantly, the authorities have now taken a conscious decision to complete all the development works at site. Whereafter, possession of the plots/sites would be handed over to the petitioners/allottees, at the earliest, provided the pending dues, if any, are cleared. It is urged that as regards interest on the amount that was deposited by the petitioners, they would be entitled thereto, as per the applicable policy dated 30.5.2022.

Accordingly, learned counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned counsel for the respondents.

In the wake of the above, the petition is disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority, as submitted by learned counsel for the respondents, shall make every possible endeavour to complete the process, and once the sites are viable for allotment, actual physical possession thereof would be delivered without any further delay.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

08.02.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No

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COCP-1826-2025

MULAKH RAJ CHAWLA AND OTHERS V/S CHANDER SHEKHAR
AND OTHERS

Present: Mr. Vikas Chatrath, Advocate with
Ms. Tanya Sehgal, Advocate and
Ms. Priya Kaushik, Advocate
for the petitioners.

* * *

It is submitted by learned counsel for the petitioners that vide order dated 08.2.2024 (Annexure P-1) passed by a Division Bench of this Court in CWP-2835-2024 titled as "Mulakh Raj Chawla and others vs. Haryana Shehri Vikas Pradhikaran and others", the respondents had been directed to complete all the developments works at the site, whereafter the possession of the plots/sites will be handed over to the petitioners/allottees at the earliest, providing the pending dues, if any, are cleared.

Learned counsel for the petitioners submits that there are no pending dues against the petitioners.

Notice of motion.

Mr. Harmanjot Singh Gill, Advocate, who is present in the Court, accepts notice on behalf of respondents-HSVP and submits that development works are yet to commence at the site. It is submitted that there is some unavoidable procedural delay and seeks time to file affidavit in that regard.

Adjourned to 09.7.2025.

April 09, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE

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COCP-1826-2025 (O & M)

MULAKH RAJ CHAWLA AND OTHERS V/S CHANDER SHEKHAR
AND OTHERS

Present: Mr. Vikas Chatrath, Advocate with
Ms. Sachi Katoch, Advocate
Ms. Preet Agroa, Advocate and
Mr. Nitish, Advocate
for the petitioner.

Ms. Nihar Bala, Advocate for
Mr. Harmanjot Singh Gill, Advocate for the respondents-
HSVP.

* * *

Learned counsel for the respondents has filed the Status
Report dated 08.7.2025 in the Court today, which is taken on record.
Copy thereof is supplied to learned counsel for the petitioner, who seeks
time to go through the same and make submissions.

Adjourned to 05.9.2025.

July 09, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE