

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5440 OF 2000

HARI RAM & ANR.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.
(With office report)

Respondent(s)

WITH

Civil Appeal NO. 5442 of 2000
(With appln. for bringing on record additional documents and exemption from filing O.T and with office report)

Civil Appeal NO. 5443 of 2000
(With appln. for exemption from filing O.T. and with office report)

Civil Appeal NO. 5444 of 2000
(With office report)

Civil Appeal NO. 5441 of 2000
(With office report)

Civil Appeal NO. 5445 of 2000
(With office report)

Civil Appeal NO. 5449 of 2000
(with office report)

Civil Appeal NO. 5446 of 2000
(With office report)

Date: 13/03/2008 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s) Mr. Harinder Mohan Singh, Adv.
In CAs.5440,5541/2000

In CAs.5442,5443, Mr. R.K. Kapoor, Adv.
5449/2000 Mr. Mukesh Kumar Verma, Adv.
Ms. Shweta Kapoor, Adv.
Mr. Anis Ahmed Khan, Adv.

CA 5440/2000 Etc....contd....(It. 101,Ct. 9,Dt. 13.3.2008)

..2/-

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In CAs.5444, Mr. Aseem Mehrotra, Adv.
5445/2000 Ms. Shefali Jain, Adv.
Mr. Abhijat P. Medh, Adv.

In CA 5446/2000 Mr. U.S. Prasad, Adv.

For Respondent(s) Mr.T.V.George,Adv.

UPON hearing counsel the Court made the following
ORDER

In pursuance of our dated February 19, 2008, additional affidavits dated February 23, 2008 and February 28, 2008 have been filed by one of the appellants, namely, Damyanti Devi w/o

Shri Madan Lal Sharma in Civil Appeal No. 5443 of 2000. In the said affidavits, it was inter alia stated that certain properties were released during the pendency of the writ petition before the Hon'ble High Court though in the counter affidavit filed in the High Court strong reasons were mentioned against the release. It was further stated thus :

"In certain cases LAC had mentioned that there were no constructions prior to Section 4, but later on COMMITTEE recommended the release of those properties in the report filed before the High Court.

In certain other cases LAC had recommended the release by holding that the constructions existed prior to Section 4 Notification, but those properties were not recommended for release by COMMITTEE.

There were still further cases where even after the High Court order dated 13.8.1998, properties were released by the Govt. in 1999, 2000 and even in 2001. Thus there was an absolute pick and chose.

Further, in some cases, properties on left and right were released, but the middle property not released."

..3/-

CA 5440/2000 Etc....contd....(It. 101,Ct. 9,Dt. 13.3.2008)

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In view of the said affidavits, in our opinion, it would be appropriate if we direct the Financial Commissioner-cum-Principal Secretary, Town & Country Planning & Urban Estate to file an affidavit in reply to these affidavits within two weeks since copy of the additional affidavits have already been served upon the learned counsel for the State of Haryana. Ordered accordingly.

List after two weeks.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master