

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3665-3667 of 2017

GURCHARAN SINGH & ORS.

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

O R D E R

These appeals arise out of Order of the High Court of Punjab and Haryana dated 19th January, 2011 in C.W.P. NO.4272 of 2004, C.W.P. NO.12439 of 2004 and C.W.P. NO.15187 of 2004 upholding the validity of Notification dated 15th January, 2001 under Section 36 of the Punjab Town Improvement Act, 1922 followed by Notification dated 17th January, 2002 under Section 42 of the said Act and Award dated 16th January, 2004 determining the compensation for the land acquired for the development scheme known as the Ring Road Phase-I Development Scheme.

Some of the matters arising out of the same impugned judgment were dealt with by this Court in Sham Lal & Ors. v. State of Punjab & Ors., (2013) 14 SCC 393. This Court directed the State Government and the Trust to exclude the land of the appellants therein except the land required for the Ring Road.

Cases of the appellants were separated and directed to be listed after the judgment in Sham Lal (supra).

It appears that the total land covered by the above notifications was 45.57 acres. It is not clear as to how much land has been released from acquisition in terms of the judgment of this Court in Sham Lal (supra). The question as to which part of the land will be at par with the land which has been released will need to be determined. From the map it appears that while some of the land is vacant, part of the land is sandwiched by the constructed houses. For effective implementation of a development scheme, it is necessary that the land on which the scheme is to be developed remains contiguous and is not obstructed by the already constructed houses. Parts of land which are encircled by the constructed houses may have to be released from acquisition.

Let the above exercise be carried out by the Dy. Commissioner of Bhatinda, Punjab, who may examine the factual position and determine the area/land which is to be excluded from acquisition. If it is found that the scheme is viable, the remaining land which is contiguous and not encircled by the constructed houses can be retained for the scheme. Let a speaking order be passed by the Dy. Commissioner in this regard after ascertaining all the facts and giving hearing to the affected parties. This exercise may be done by the Dy. Commissioner within three months from today.

The appellants are directed to appear before the Dy. Commissioner, Bhatinda, to put forward their claim on or before 21st September, 2017. It is made clear that if there is any grievance against the order which may be passed by the Dy.

Commissioner, the parties will be at liberty to take their remedies before an appropriate forum in accordance with law. Release of the land by the Dy. Commissioner will be subject to such condition as may be imposed and as permissible under the law.

The appeals are accordingly disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
August 24, 2017.

ITEM NO.107

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

Civil Appeal No(s). 3665-3667/2017

GURCHARAN SINGH & ORS.

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

Date : 24-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Ajay Marwah, Adv.
Mr. Sumit Sinha, Adv.
Mr. Arun K. Sinha, AOR

For Respondent(s) Mr. Salil Sagar, Sr. Adv.
Mr. Pratap Venugopla, Adv.
Mr. Ajay Bansal, Adv.
Ms. Niharika, Adv.
Ms. Kanika Kaliyarasan, Adv.
For K J John And Co.

Ms. Uttara Babbar, AOR
Ms. Akanksha Choudhary, Adv.

Mr. Jagjit Singh Chhabra, AOR

UPON hearing the counsel the Court made the following

O R D E R

In terms of the signed order, these appeals are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)