

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).3785 OF 2022  
(Arising from SLP(C) No.6794/2022)

RUPINDER KAUR & ORS . . . APPELLANT(S)

VERSUS

THE STATE OF HARYANA & ANR. . . . RESPONDENT(S)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh dated 12.10.2020 in CWP No. 14764 of 2014, whereby the writ petition preferred by the appellant(s) for a declaration that the acquisition had lapsed came to be rejected. The appellant(s) had also requested the High Court to allow them to approach the Government for release of the land by invoking Section 101-A of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013, as applicable to the State of Haryana. No direction in that regard has been issued by the High Court relying on a leading case. The

impugned order reads thus:

"The issues raised in this petition stand completely answered against the petitioner by the judgment of the Supreme Court in *Indore Development Authority v. Manoharlal and others* AIR 2020 SC 1496.

The petition stands dismissed.

Learned counsel for the petitioners seeks liberty to approach the Government for release of the land by invoking Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as applicable to the State of Haryana.

This Court in *CM No.9051-CWP of 2020 in CWP No.22241 of 2016* titled as *Raghubir Singh and another vs. State of Haryana and others* has dismissed this request in consonance with the settled law and judgment of Indore Development Authority (supra)."

Similar order is passed in the connected cases.

Having heard learned counsel for the parties, we are of the considered opinion that the High Court in the first place ought to have enquired into the factum of possession or payment of compensation, as the case may be, and dependent on that finding, should have then proceeded to consider the relief as prayed by the appellants (be it for declaration regarding lapsing of

acquisition or to allow the appellants/writ petitioners to approach the Government for release of the land under Section 101-A of the 2013 Act). The impugned order is manifestly erroneous and cannot stand the test of judicial scrutiny.

Be that as it may, we deem it appropriate to permit the appellants to first approach the competent authority of the State Government within four weeks from today for release of land under Section 101-A of the 2013 Act, as applicable to the State of Haryana. We order accordingly.

The competent authority shall consider the application as per the provisions applicable to the State of Haryana, including the decision of this Court in C.A. Nos. 2714-2715 OF 2021 titled as "Raghubir Singh & Anr. Etc. vs. State of Haryana Etc. and connected matters" decided on 15.07.2021, and take a formal decision on the application within two months from the date of receipt of the application and communicate the same to the appellant(s) within the same time.

In the event, the decision is adverse to the appellants, it will be open to the appellants to assail the said order by way of writ petition

before the High Court and in that proceedings, they may also seek declaration of lapsing of acquisition.

We make it clear that the competent authority may consider the request for release of land from acquisition on its own merits and in accordance with law. Similarly, if the matter is taken to the High Court, the High Court may decide the same on its own merits and in accordance with law.

All contentions available to both sides are left open.

The appeal is disposed of accordingly.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(ABAY S. OKA)

NEW DELHI  
MAY 09, 2022

ITEM NO.8

COURT NO.3

SECTION IV-B

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 (C) No(s). 6794/2022

(Arising out of impugned final judgment and order dated 12-10-2020 in CWP No. 14764/2014 passed by the High Court Of Punjab & Haryana At Chandigarh)

RUPINDER KAUR &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA &amp; ANR.

Respondent(s)

( IA No.55637/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.55638/2022-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS )

Date : 09-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Aashish Chopra, Sr. Adv.  
Ms. Roopa Pathania, Adv.  
Mr. Somiran Sharma, AOR

For Respondent(s) Mr. B.K. Satija, AAG  
Dr. Monika Gusain, AOR

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

Leave granted.

The appeal is disposed of in terms of the  
signed order.

Pending applications are also disposed of.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)