

ITEM NO.52

COURT NO.6

SECTION IVB

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).12417/2011

(From the judgement and order dated 18/01/2011 in CWP No.14307/1990 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ASHA GARG & ANR.

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report))

WITH SLP(C) NO. 19956 of 2011

(With prayer for interim relief and office report)

SLP(C) NO. 20634 of 2011

(With prayer for interim relief and office report)

Date: 03/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. V.K. Jain, Sr. Adv.
 Mr. Gagan Gupta, Adv.

Mr. S.C. Patel, Adv.
Mr. A.P. Bhandari, Adv.

Mr. Sunder Khatri, Adv.
Mr. Rajesh Goyal, AOR

For Respondent(s) Mr. Devinder Pratap Singh, AAG
 Ms. Naresh Bakshi, Adv.

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

Mr. Govind Goel, Adv.
Mr. Sanjay Kumar Yadav, Adv.
Dr. Kailash Chand, Adv. (Not present)

UPON hearing counsel the Court made the following

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O R D E R

Heard learned counsel for the parties and perused
the record.

The petitioners are aggrieved by the acquisition of
their land comprising Killa Nos. 20/4 and 21/3. Their
challenge was negatived by the Division Bench of the High

Court by relying upon the affidavit of the District Town Planner.

Shri V.K. Jain, learned senior counsel appearing for the petitioners invited our attention to reply dated 16.3.2011 given by S.P.I.O.-cum-District Town Planner, Faridabad to Lt. Col.(Retd.) B.C. Garg, husband of the petitioner No.1 and argued that the whole acquisition is vitiated by arbitrariness and malafides because out of 347.85 acres land, 36 acres land were left out before the issue of notification under Section 6(1) of the Land Acquisition Act, 1894 (for short, 'the Act') and 17 acres were left out at the stage of award.

Learned counsel submitted that the concerned authorities had left out substantive portion of the land proposed to be acquired because the same belongs to influential persons.

Shri Manjit Singh Dalal, learned Additional Advocate General referred to affidavit dated 18.10.2011 of Shri Bir Singh Kaliraman, Land Acquisition Officer, Urban Estates, Haryana, Faridabad to show that land was released in favour

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of various industrial units after considering the objections filed under Section 5A of 'the Act.

In our view, the cause shown by the respondents for releasing substantive portion of land in favour of various companies is highly suspect because the table printed on pages 4 and 5 of the affidavit do not indicate the reason for releasing of land in favour of the companies.

List the case on 07.02.2012, on which date Director General, Urban Estates Department, Haryana shall remain present to assist the counsel for the State as well as the Court. The officer concerned shall come with the entire record relating to acquisition and file of each of the companies in whose favour the land had been released after the issue of notification under Section 4(1) of the Act.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master