

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).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)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

Date: 24/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE C.K. PRASAD
(VACATION BENCH)

For Petitioner(s) Mr. Neeraj Jain, Sr. Adv.
Mr. Rishi Malhotra, Adv.
Mr. Prem Malhotra, Adv.

For Respondent(s)

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

One of the grounds urged by the petitioners before the High Court in support of their prayer for issue of a direction to the respondents to release their land from acquisition was that other similar parcels of land have already been released by the Director, Urban Estate Department, Haryana because the owners of those parcels of land were influential persons, politically or otherwise.

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Prima facie, we are of the view that once the possession of land is said to have been taken and transferred to HUDA, the State Government and the Director Urban Estates do not have the jurisdiction to release the acquired land.

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