

>

ITEM NO.5

COURT NO.3

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)...../2012

(CC 8573/2012)

(From the judgement and order dated 31/05/2011 in CWP No.6662/2011 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM KISHAN & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

With I.A.1 (C/delay in filing SLP and office report)

Date: 01/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr.Santosh Kumar, Adv.
Mr.Aljo K.Joseph, Adv.
Mr. Mushtaq Ahmad, Adv.

For Respondent(s)

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

Delay condoned.

This petition is directed against order dated 31.05.2011 passed by the Division Bench of the Punjab and Haryana High Court whereby the writ petition filed by the petitioners questioning the acquisition of their land was dismissed.

We have heard learned counsel for the parties and perused the record.

In our view, the petitioners should again approach the High Court by filing review petitions with an application for impleading the builders and developers in whose favour different parcels of land were released after the issue of Section 4(1) Notification and produce the documents which have bearing on their plea that in the garb of acquiring land for public purpose, the State Government had virtually acted on behalf of the builders and developers.

If the petitioners file fresh review petitions and make an application for impleadment of the builders and developers within two weeks, then the High Court is expected to thoroughly consider the issue whether the acquisition was, in fact, for a public purpose or for the benefit of private builders and developers. The High Court may also consider the desirability of ordering thorough enquiry into the collaboration agreements entered by the builders/developers with the landowners and the change of land use sanctioned by the State Government/Competent Authority after 2.6.2009, i.e. the date on which Section 4(1) Notification was issued.

The special leave petition is disposed of in the manner indicated above.

While disposing of the special leave petition, we direct that till the passing of fresh order by the High Court on the review petitions, the petitioners shall not be dispossessed from their land.

Copy of the order be given dasti.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master