

ITEM NO.1 COURT NO.3 SECTION IVB  
(PH)

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).17513/2008

(From the judgement and order dated 18/03/2008 in CWP No.246/2007 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARPAL SINGH & ORS. Petitioner(s)  
VERSUS  
STATE OF HARYANA & ORS. Respondent(s)  
(With prayer for interim relief and office report)  
(For final disposal)

WITH SLP(C) NO. 23021 of 2009  
(With office report)

Date: 11/12/2012 These Petitions were called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Rajesh Aggarwal, Adv.  
Mr. Mridul Aggarwal, Adv.

Mr. R.M. Bagai, Adv.  
Ms. Garima Prasad, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.  
Mr. Sanjay Singh, Adv.  
Mr. Sachin Jain, Adv.  
Mr. N.N.S. Rana, Adv.  
Mr. Ugra Shankar Prasad, Adv.

Ms. Naresh Bakshi ,Adv

Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.

Mr. Parmanand Gaur ,Adv

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

Leave granted.  
The appeals are disposed of.

[ Usha Bhardwaj ] [ Savita Sainani ]  
Court Master Court Master  
Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8965 OF 2012  
(Arising out of S.L.P. (Civil) No.17513 of 2008)

Harpal Singh & Ors. ....Appellants  
VERSUS

State of Haryana & Ors. ....Respondents

O R D E R

Leave granted.

After taking us through the impugned order of the High Court learned counsel for the appellants submitted that in spite of the fact that there were several infirmities in the acquisition proceeding, the High Court dismissed their writ petitions on the simple ground that the writ petitions which have been filed in January, 2007 i.e. after the passing of the award, namely, on 13th September, 2006 are not maintainable. He also submitted that the decisions relied upon by the High Court in dismissing the writ petition are not applicable to the facts of these cases.

Heard learned senior counsel appearing on behalf of all the parties.

Inasmuch as the counsel for the appellants have pointed out several infirmities in the acquisition proceedings commencing from the notification under Section 4 of Land Acquisition Act, 1894 and ending with the passing of award, we are of the view that all these aspects have to be considered with reference to various records and proceedings initiated by the Government. Inasmuch as the High Court has dismissed the writ petitions only on the ground that the same had been filed after passing of the award it had no opportunity to go into the correctness of those issues raised by the writ petitioners therein. After hearing counsel at length, we

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feel that all those aspects have to be considered by the High Court after affording opportunity to all the parties concerned. In this view without expressing anything on the merits of the claim of all parties we set aside the impugned order of the High Court and remit the matters to the High Court with a request to restore the CWP No.984/2007 and CWP No.246/2007 on their file and dispose of the same on merits after affording opportunity to all the parties concerned preferably within a period of six months from the date of the receipt of the copy of this order.

Inasmuch as this Court has granted status-quo even as early as on 22/8/2008 the same shall continue till the final decision being taken in the writ petitions mentioned above.

It is made clear that all the parties are permitted to raise their respective claim before the High Court.

The civil appeals are disposed of accordingly.

.....J.  
( P.SATHASIVAM )

.....J.  
( RANJAN

