

ITEM NO.31

COURT NO.10

SECTION IVB

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 (Civil) No(s).20220/2011

(From the judgement and order dated 03/02/2011 in CWP No. 8654/2010 of The HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH)

HUKAM CHAND &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 20303 of 2011

(With prayer for interim relief and office report)

Date: 09/08/2011        These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE G.S. SINGHVI  
          HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)        Mr.        S.S. Shamsbery, Adv.  
                                  Mr.        Bhupender Yadav, Adv.  
                                  Ms.        Asha Kochar, Adv.  
                                  Ms.        Ruchi Kohli, Adv.  
                                  [in        SLP(C)No.20220/2011]

                                  Mr. Siddharth Mittal, Adv.  
                                  Dr. (Mrs.) Vipin Gupta  
                                  [in SLP(C)No.20303/2011]

For Respondent(s)

UPON hearing counsel the Court made the following

## O R D E R

SLP(C)No.20220/2011:

Learned counsel for the petitioners argued that even though his clients had raised construction much before the issue of notification under section 4 of the Land Acquisition Act, 1894, the High Court did not take cognizance of this fact and dismissed the writ petition ignoring that the State Government has framed

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a policy not to acquire the land on which construction had been made before initiation of the acquisition proceedings.

Issue notice on the special leave petition as also on the prayer for interim relief, returnable in eight weeks. Dasti, in addition, is permitted.

In the meanwhile, the parties shall maintain status quo, as it is obtaining today. This would necessarily mean that neither party shall change the present character of the property nor alienate the same to any other person in any manner whatsoever.

It shall be the duty of the petitioners to serve the respondents, within eight weeks, failing which the interim order passed today shall stand automatically vacated.

SLP(C)No.20303/2011:

Learned counsel for the petitioner submits that even though his client had raised construction much before issue of notification under section 4 of the Land Acquisition Act, 1894, the High Court declined to order release of his land simply because the Land Acquisition Officer had not made recommendation to that effect.

Issue notice on the special leave petition as also on the prayer for interim relief, returnable in eight weeks. Dasti, in addition, is permitted.

In the meanwhile, the parties shall maintain status quo, as it is obtaining today. This would necessarily mean that neither party shall change the present character of the property nor alienate the same to any other person in any manner whatsoever.

It shall be the duty of the petitioner to serve the respondents, within eight weeks, failing

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which the interim order passed today shall stand automatically vacated.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master