

ITEM NO.16

COURT NO.1

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 (C) No(s).20234-20235/2011

(Arising out of impugned final judgments and orders dated 04/02/2008 in CWP No. 2924/2007 and dated 10/09/2010 in RA No. 177/2008 in CWP No. 2924/2007 passed by the High Court Of Punjab & Haryana at Chandigarh)

PRABHU(D) THR. L.RS. & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 20236-20237/2011

(With appln.(s) for impleadment and Office Report)

SLP(C) No. 20238-20239/2011

(With appln.(s) for c/delay in filing and refiling SLPs, appln.(s) for substitution, appln.(s) for c/delay in filing substitution appln., Interim Relief and Office Report)

SLP(C) No. 20240-20241/2011

(With Office Report)

SLP(C) No. 20242-20243/2011

(With Office Report)

SLP(C) No. 20244-20245/2011

(With Office Report)

SLP(C) No. 20246-20247/2011

(With Office Report)

SLP(C) No. 20248-20249/2011

(With appln.(s) for c/delay in filing SLPs and substitution appln., appln.(s) for substitution and Office Report)

SLP(C) No. 20250-20251/2011

(With Office Report)

SLP(C) No. 35542-35543/2011

(With appln.(s) for deletion of the name of petitioner and appln.(s) for c/delay in filing and refiling SLPs, Interim Relief and Office Report)

SLP(C) No. 10544-10547/2012

(With appln.(s) for c/delay in filing SLP, Interim Relief and Office Report)

SLP(C) No. 10737/2012

(With appln.(s) for substitution for bringing on record lrs. of deceased petitioner, appln.(s) for c/delay in filing and refiling SLP, appln.(s) for c/delay in filing substitution appln., Interim Relief and Office Report)

SLP(C) No. 35890-35891/2012

(With Office Report)

SLP(C) No. 11179-11180/2012

(With appln.(s) for c/delay in filing substitution appln., appln.(s) for c/delay in filing SLP, appln.(s) for permission to file SLP, appln.(s) for substitution, Interim Relief and Office Report)

SLP(C) No. 35540-35541/2011

(With appln.(s) for c/delay in filing SLPs, appln.(s) for c/delay in refiling SLPs, Interim Relief and Office Report)

Date : 18/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. S.S. Shamsbery, Adv.
Mr. Amit Sharma, Adv.
Mr. R.C. Kohli, Adv.

Mr. Basava Prabhu S.Patil, Sr. Adv.
Mr. Zakir Hussain, Adv.
Mr. Nikhilesh Kumar, Adv.
Mr. Devender Kumar, Adv.
Mrs V. D. Khanna, Adv

For Respondent(s) Mr. A.K. Sanghi, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Sushma Suri, Adv.

Ms. Nupur Choudhary, Adv.
Mr. Vishwapal Singh, Adv.

Mr. Shekhar Raj Sharma, Adv.
Mr. Sanjay Visen, Adv.

Mr. D. N. Goburdhan, Adv.

Mr. Ravindra Bana, Adv.

Ms. Prerna Mehta, Adv.

Ms. Sushma Suri, Adv.

Mr. Siddharth Mittal, Adv.

Mr. Surender Singh, Adv.

Ms. Usha Nandini V., Adv.

Ms. Mukti Chowdhary, Adv.

Mr. Kamal Mohan Gupta, Adv.

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

Permission to file Special Leave Petition(s) is granted.

Delay in filing and re-filing the Special Leave Petition(s) is condoned.

Delay in filing the application(s) for substitution is condoned.

Application(s) for substitution are allowed.

Application(s) for impleadment is/are rejected.

Application(s) for deletion of name of petitioner(s) is/are allowed.

At the time of hearing of these Special Leave petitions, learned counsel appearing for the petitioner(s) would submit that the respondents-herein have not taken the possession of the land though they were served with notice under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act").

Learned counsel further submit that the respondent(s) have not paid any compensation to the petitioner(s) and thus, by applying the provisions of 24(2) of the Act to the present case, the entire proceedings stand vitiated and, therefore, requires to be quashed.

In our opinion, whether the possession continued to be with the petitioner(s) or not, or whether the compensation amount was paid or not are the questions of fact, which require consideration and decision by an appropriate forum including the High Court.

Accordingly, while disposing of these Special Leave Petitions, we grant liberty to the petitioner(s), if they so desires, to make appropriate application(s), as provided under Section 24(2) of the Act, before appropriate forum including the High Court within four weeks from today. While filing the application(s)/petition(s), the petitioner(s) are at liberty to produce the counter affidavit filed by the respondent(s) before this Court in S.L.P.(C) No.20234-20235/2011.

We request the High Court that if such application(s) is/are filed; the same may be considered in accordance with law in light of the observations made by this Court in "*Pune Municipal Corporation & Ors. vs. Harakchand Misirimal Solanki &*

Ors." reported in 2014(3) SCC 183 and "*Bharat Kumar vs. State of Haryana*" reported in 2014 (6) SCC 586.

Interim order, if any, granted by this Court is extended till the decision is taken by the High Court on the petition(s)/ application(s) that may be filed by the petitioner(s).

As a sequel to the above, all pending interlocutory applications are disposed of.

Ordered accordingly.

(Neetu Khajuria)
Sr.P.A.

(Viond Kulvi)
Assistant Registrar