

V;

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10414 OF 2010
[ARISING OUT OF SLP (CIVIL) NO.19023 OF 2008)

Haryana Urban Development Authority ... Appellant(s)

Versus

Vijender & Others ... Respondent(s)

WITH

C.A. Nos.10415,10416,10417, 10418, 10419, 10420, 10421 of 2010
(Arising out of SLP(C) Nos.19200, 19205, 19201, 19206, 19203, 19204,
25415 of 2008)

O R D E R

C.A. NO. 10414 OF 2010
(Arising out of SLP(C) No.19023 of 2008)

Leave granted.

This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana on May 26, 2008 in CWP No.1072 of 2008. By the impugned order, the High Court upheld the claim of Respondent Nos. 1 to 4 (Writ Petitioners before the High Court) in regard to the lands measuring 39 Kanals 11 Marlas as per Jamabandi for the year 2003-2004, situated in the revenue estate of Village Mewla Mehrajpur, Tehsil Ballabgarh, District Faridabad, and found and held that those lands were not part of the area taken into acquisition by the State Government and were wrongly included in the industrial estate by carving out plots. It, accordingly, directed the State of Haryana and the Land Acquisition Officer, Urban Estates, No.2, Faridabad, (who alone were made respondents in the writ Petition) to hand over vacant possession of the disputed land to the writ petitioners-respondents within a specified time besides payment of compensation for wrongful occupation of the lands at the rate of Rs.10,000/- per acre per annum.

Haryana Urban Development Authority (in short "HUDA") which was not a party to the writ petition before the High Court has filed the present appeal after obtaining permission from this court.

HUDA makes a grievance that even though it came into existence after the acquisition in question, the land in dispute had eventually come under its control and the relevant documents concerning its acquisition were in its possession and had it been given an opportunity, it would have shown to the High Court that the lands were duly taken under acquisition.

It is further stated on its behalf that after the acquisition of the disputed land it was divided into plots and allotted to different persons and the allottees had constructed their industrial units over it. Even those allottees were not made parties to the writ petition before the High Court.

In course of hearing of the appeal, Mr. Harish N. Salve, learned senior counsel appearing for the private respondents in civil appeal arising out of SLP(C) No.25415 of 2008, took a fair stand and stated that the matter may be remitted to the High Court for fresh consideration and passing appropriate orders after hearing the HUDA. We feel that this should be the proper course and appreciate the suggestion made by Mr. Salve. We, accordingly, allow this appeal, set aside the impugned order and remit the case to the High Court which would now pass a fresh order after impleading the HUDA in the writ petition and hearing it, in accordance with law. The parties shall appear before the High Court on December 16, 2010. The HUDA may file its counter affidavit within eight weeks from the date of its appearance before the High Court.

Since the matter is quite old, it is expected that the High Court shall dispose of the case without any undue delay and preferably before the commencement of the Summer Vacation next year.

The appeal is, accordingly, allowed. No order as to costs.

C.A. Nos.10415,10416,10417, 10418, 10419, 10420, 10421 of 2010 (Arising out of SLP(C) Nos.19200, 19205, 19201, 19206, 19203, 19204, 25415 of 2008)

Leave granted.

The appeals are disposed of in terms of the order passed in

Civil Appeal arising out of SLP(C) No.19023 of 2008. No costs.

.....J
(Aftab Alam)

.....J
(R.M.Lodha)

New Delhi,
November 19, 2010.
ITEM NO.202

COURT NO.12

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) No(s).19023/2008

(From the judgement and order dated 26/05/2008 in CWP No. 1072/2008
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARYANA URBAN DEVT.AUTHPORITY

Petitioner(s)

VERSUS

VIJENDER & ORS.

Respondent(s)

(With appln(s) for exemption from filing
Addl. documents and with prayer for
report))

O.T.,and permission to file
interim relief and office

(For final disposal)

WITH SLP(C) NO. 19200 of 2008

(With prayer for interim relief and office
SLP(C) NO. 19205 of 2008

report)(For final disposal)

(With prayer for interim relief and office
SLP(C) NO. 19201 of 2008

report)(For final disposal)

(With prayer for interim relief and office
SLP(C) NO. 19206 of 2008

report)(For final disposal)

(With prayer for interim relief and office
SLP(C) NO. 19203 of 2008

report)(For final disposal)

(With prayer for interim relief and office
SLP(C) NO. 19204 of 2008

report)(For final disposal)

(With prayer for interim relief and office
SLP(C) NO. 25415 of 2008

report)(For final disposal)

(With prayer for interim relief and office

report)(For final disposal)

Date: 19/11/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr.Govind Goel,Adv
SLP(c) 19023/2008 Dr. Kailash Chand,Adv.
Mr.M.L.Sharma,Adv.

SLP(c) No.25415/08 Mr.Ajay Bansal, Addl.Adv. General
Mr.Devender Singh,Adv.
Mr.Sumit Pargal,Adv.
Mr. Ajay Choudhary,Adv

Rest of SLPs Mr.Jayant K.Mehta,Adv.
 Mr.Sukant Vikram,Adv.

For Respondent(s) Mr.Harish N.Salve, Sr.Adv
SLP(c)25415/2008 Mr.Jayant Mohan
 M/S. "Coac",Adv.

SLP(c) 19023/08 Mr.Vikas Sharma,Adv.
State of Haryana Mr.Manjit Singh,Adv.

Rest of SLPs. Mr. Kamal Mohan Gupta ,Adv

Rest of SLPs. Mr. Bhaskar Y. Kulkarni

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

Leave granted.

The appeal @ S.L.P.(c) No.19023 of 2008 is allowed
in terms of the signed order. No order as to costs.

The appeals @ S.L.P.(c) Nos.19200, 19205,
19201,19206, 19203, 19204 and 25415 of 2008 are disposed of
in terms of the order passed in Civil Appeal arising out of
SLP(c) No.19023 of 2008. No costs.

No costs.

(S.Sarangi)
AR-cum-PS

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file)