

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).20579/2008

(From the judgement and order dated 21/04/2008 in CWP No. 15868/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

OM PARKASH & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 18/08/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr.Rajeev Dhavan,Sr.Adv.
Mr.Jasbir Singh Malik,Ad.
Ms.Ekta Kadyan,Adv.
Mr. S.K. Sabharwal,Adv.

For Respondent(s)

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

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

The contention of the petitioners is that the total land measuring 398.25 sq. yards of the petitioners which is 16 marlas is not released from acquisition by the Government despite the fact that similarly situated constructed land for Samadhi has been ordered to be released from acquisition by the State Government. The measurement of the land which is directed to be released is also measuring 16 marlas (approximately) which is equal in measurement to that of the land in question.

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When the matter was listed earlier, we requested the learned Government Advocate to justify the action taken in the present case of not releasing land measuring 398.25 sq. yards belonging to the petitioners wherein some temple and a samadhi are located. Learned Counsel appearing for the Government, to justify the discrimination, placed before us only a letter dated 17.8.2010 written by the Land Acquisition Officer, Gurgaon, but perusal thereof indicates no reason has been given by the Land Acquisition Officer for treating the two plots of land in different manner.

Therefore, we direct the Director, Urban Estate to file an affidavit explaining the position and justifying differentiation or he may pass an appropriate order himself, if so desires, in accordance with law.

Re-notify on 15.9.2010.

(Kusum Syal)
Sr.P.A.

(Renu Diwan)
Court Master