

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10560 OF 2014
(Arising out of S.L.P.(C) No.21534 of 2011)

ABW INFRASTRUCTURE LIMITED & ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The appellants before us are the private limited companies. They have questioned the judgment and order passed by the High Court of Punjab and Haryana in Civil Writ Petition No.8627 of 2011, dated 23.05.2011. By the impugned judgment and order, the High Court has rejected the aforesaid petition primarily on the ground of delay and laches on the part of the appellants in approaching the High Court.

Signature Not Verified

Digitally signed by

NEETU KHAJURIA

Date: 2014.11.27

16:36:56 IST

Reason:

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3. The State Government had issued a notification dated 27.08.2004 bearing No.32/12/2004-41IBI under the provisions of Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), for a public purpose, namely, for setting up of Choudhary Devi Lal Industrial Model Township, to be planned as an integrated Complex for residential, recreational and other public utilities in Village Laknaula, Naurangpur and Manesar, Tehsil and District Gurgaon, by the Haryana State Industrial Development Corporation Limited. By the said notification, the State Government intended to acquire an extent of 912 acres and 7 marlas of land.

4. Thereafter, the State Government had issued a subsequent notification, dated 25.08.2005 of the same number, under the provisions of Section 6(1) of the 1894 Act for the very same purpose, wherein they intended to acquire the lands belonging to the said appellants.

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5. Since there was some difficulty in acquiring the requisite lands for the aforesaid purpose, the Director of Industries & Commerce, Haryana had informed the District Revenue Officer-cum-Land Acquisition Officer, Gurgaon to drop the acquisition proceedings, and to issue a fresh notification. The communication of the said authority is as under:

"In this connection, it is informed that State Government has observed that certain parcels of land have been released by Government on the recommendation of Ministers' Committee separately. Some of these parcels are included in the land acquisition proceedings under consideration. Further, Town & Country Planning Department has also informed that there are several cases of owners having applied for licence/CLU for the land which also form part of the acquisition proceedings. Furthermore, in a number of cases the courts have stayed dispossession of land. In the circumstances it is difficult at this stage to firm up a view as what could be shape and size of the land eventually being acquired by Government. It will not be appropriate to go ahead with these proceedings in the present form. State Government has therefore, ordered that a fresh notification be issued in place of the

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present proceedings indicating therein as to which are the land that are available for acquisition without any encumbrances.

You are, therefore, requested to take further action accordingly."

6. Some of the land owners, who were aggrieved by the aforementioned notifications issued by the State Government, had approached the Writ Court, inter alia, questioning the validity of the notifications issued for acquiring their lands.

7. Before the High Court, the learned Advocate General of Haryana had made a statement that the State Government is no more interested in acquiring these lands for the purpose it was notified earlier. Taking note of the abovementioned statement of the learned Advocate General, the writ petitions were allowed and the notifications issued by the State Government were quashed in the case of appellants-therein.

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8. Thereafter, the appellants have filed two writ petitions. The first one was for mandamus to direct the respondent-authorities to consider the application of the appellants for grant of licence to develop the township in the area in their possession, which was later withdrawn by the appellants. In the second writ petition, the appellants questioned the vires of notifications issued by the State Government to acquire their lands.

9. As we have already indicated, the Writ Court has disposed of the second writ petition on the ground of delay and laches. In our opinion, the Writ Court ought not to have disposed of the said petition solely on the ground of delay and laches and on other technical grounds.

10. We have carefully perused the judgment and order passed by the High Court, and we are of the opinion that the High Court was not justified in rejecting the writ petition.

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11. In view of the above, we allow this appeal, set aside the impugned judgment and order passed by the High Court. We remand the matter for fresh disposal in accordance with law on merits and also keeping in view

the observations made by the Writ Court in earlier batch of writ petitions, challenging the same acquisition. We clarify that we have not expressed any opinion on the merits of the case.

12. We permit both the parties to raise all such contentions that are available to them including the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as also the contentions raised before us and also the subsequent developments that might have taken place during the pendency of this

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appeal. We request the High Court to dispose of the said writ petition as expeditiously as possible.

.....CJI.
(H.L. DATTU)

.....J.
(MADAN B. LOKUR)

.....J.
(A.K. SIKRI)

NEW DELHI,
NOVEMBER 11, 2014.

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ITEM NO.10 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). 21534/2011

(Arising out of impugned final judgment and order dated 23/05/2011 in CWP No. 8627/2011 passed by the High Court of Punjab & Haryana At Chandigarh)

ABW INFRASTRUCTURE LIMITED & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(With application for exemption from filing O.T., urging additional grounds, prayer for interim relief and office report)

(For final disposal)

Date : 11/11/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s) Mr. Rajiv Dhavan, Sr. Adv.
Mr. Ankur Saigal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. E. C. Agrawala, Adv.

For Respondent(s) Mr. Ravindra Bana, Adv.
Ms. Prerna Mehta, Adv.

Contd...

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

Leave granted.

The appeal is allowed in terms of the
signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)