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ITEM NO.50

COURT NO.3

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).28015/2011

(From the judgement and order dated 05/07/2011 in CWP No.11409/2011 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAGHUBIR SINGH & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(With prayer for interim relief and office report )

Date: 29/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ANIL R. DAVE  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. M.L.Sharma,Adv.  
Mr. Dinesh Verma,Adv.  
Mr. Subhasish Bhowmick,Adv.

For Respondent(s) Ms. Anubha Agrawal,Adv.  
Mr. S.S.Shamshery,Adv.  
Mr. Shubhashis R.Soren,Adv.  
Mr. V.MVishnu,Adv.  
Mr. Bharat Sood,Adv.  
Mr. Sambeet Das,Adv.  
Mrs. Vivekta Singh,Adv.

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

Leave granted.  
The appeal is allowed.  
The interim order passed by this Court on 2.11.2011 shall  
remain operative till the disposal of the writ petition by the  
High Court.

[SUMAN WADHWA] [PHOOLAN WATI ARORA]  
A.R.-cum-P.S. COURT MASTER  
Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4175 OF 2013  
(Arising out of SLP(C)NO. 28015/2011)

RAGHUBIR SINGH & ORS. .. APPELLANT(S)

vs.

STATE OF HARYANA & Ors. .. RESPONDENT(S)

O R D E R

Leave granted.

The appellants, who are village proprietors of Sikanderpur Badha, Tehsil and District Gurgaon, are aggrieved by the dismissal of their writ petition by the Division Bench of the Punjab and Haryana High Court.

It is borne out from the record that the Government of Haryana proposed the acquisition of various parcels of land including the land comprised in Khasra Nos. 90 and 92 of Village Sikanderpur Badha for construction of sector roads by Haryana Urban Development Authority (HUDA). Notification under Section 4(1) read with Section 17(1) of the Land Acquisition Act, 1894 (in short, 'the Act') was issued on 11.2.2010 and the declaration under Section 6(1) was published on 19.2.2010.

The appellants challenged the acquisition proceedings in Writ Petition No. 11409 of 2011. They pleaded that the State Government was not at all justified in invoking Section 17 of the Act because that resulted in depriving

-2-

the village proprietors of their right to object to the acquisition of the land of cremation ground for construction of sector roads.

The Division Bench of the High Court did not examine the appellants' challenge to the acquisition proceedings on merits and dismissed the writ petition by observing that they do not have the locus standi.

We have heard learned counsel for the parties and perused the record.

Ms. Anubha Agrawal, learned counsel representing HUDA and Mr.S.S. Shamsbery, learned counsel appearing for the Gram Panchayat very fairly stated that the appellants are village proprietors and they can be treated as the persons interested in the 'Shamlat Deh' land of the village.

De-hors the statements made by Ms. Anubha Agrawal and Mr.S.S. Shamsbery, we are convinced that village proprietors have a tangible interest in 'Shamlat Deh' of the village and they are entitled to file objections under Section 5A(1) of the Act and also question the acquisition proceedings on the ground that the State Government was not justified in invoking the urgency provisions contained in clauses (1) and (4) of Section 17 of the Act and, in any case, the application of Section 5A could not have been dispensed with.

-3-

For the reason stated above, we hold that the High Court committed an error by summarily dismissing the writ petition filed by the appellants.

In the result, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court for fresh disposal of the writ petition.

The interim order passed by this Court on 2.11.2011 shall remain operative till the disposal of the writ petition by the High Court.

.....J.  
(G.S. SINGHVI)

.....J.  
(ANIL R. DAVE)

.....J.  
(RANJANA PRAKASH DESAI)

New Delhi,  
April 29, 2013.