

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2890 OF 2015
(Arising out of SLP(C) No. 1561 of 2007)

Kusum & Anr. Etc. ... Appellant(s)

VERSUS

State of Haryana & Ors. ... Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the order passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 15184 of 2004 and CWP No. 16486 of 2005, dated 17.07.2005.

3. By the impugned order the High Court has dismissed the writ petition(s) preferred by the appellants-herein after relying upon its

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Charanjeet Kaur
Date: 2015.03.27
16:00:55 IST
Reason:

decision in yet another case, being CWP No. 7179 of 2003.

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4. Shri Mahabir Singh, learned senior counsel appearing for the appellants has brought to our notice the issues raised and considered in the writ petitions to contend that the appellants-herein had taken several other grounds before the High Court which were not considered in the relied upon judgment and therefore, submits that the High Court ought to have examined the grounds which were taken by the appellants-herein before passing any orders in the writ petitions.

5. We have heard Shri Anil Grover, learned Additional Solicitor General appearing for the State of Haryana.

6. In our opinion, Shri Singh, learned senior counsel is justified in making the aforesaid submission and the High Court ought to have considered the grounds raised by the appellants in the writ petition before passing any order.

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7. In view of the above, we set aside the impugned order passed by the High Court, dated 17.07.2006 and remand the matter back to the High Court to restore the writ petitions to its file and hear the parties afresh and pass appropriate order in accordance with law after considering all such grounds raised by the parties to the lis.

8. All the contentions of both the parties are kept open.

9. We also reserve liberty to the appellant-herein to make an application under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 before the High Court for being considered by the High Court in accordance with law.

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8. Accordingly, the civil appeal is disposed of.

.....CJI.
[H. L. DATTU]

.....J.
[M.Y. EQBAL]

.....J.
[ARUN MISHRA]

NEW DELHI;
MARCH 16, 2015.
ITEM NO.201

COURT NO.1

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 (C) No(s). 1561/2007

(Arising out of impugned final judgment and order dated 17/07/2006 in CWP No. 15184/2004, CWP No. 16486/2005 passed by the High Court Of Punjab & Haryana At Chandigarh)

KUSUM & ANR.ETC.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln. (s) for directions and interim relief and office report)

Date :16/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Mahabir Singh, Sr. Adv.
Mr. SPS Chauhan, Adv.
Mr. Nikhil Jain, Adv.
Ms. Preeti Singh, Adv.
Mr. Gagan Deep Sharma, Adv.
Mr. D. Mahesh Babu, Adv.

For Respondent(s) Mr. Anil Grover, AAG
Ms. Noopur sinhal, Adv.
Mr. Kamal Mohan Gupta, Adv.

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

Leave granted.

The civil appeal is disposed of in terms of the signed sorder.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]