

ITEM NO.47

COURT NO.6

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).26453/2008

(From the judgement and order dated 08/08/2008 in CWP No.8649/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GANGA PRASAD @ GANGA BISHAN

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

(With appln(s) for permission
prayer for interim relief and
WITH SLP(C) NO. 2319 of 2009to place addl. documents on record and
office report))(With appln(s) for permission
prayer for interim relief andto place addl. documents on record and
office report))

Date: 02/03/2012

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)
in SLP 26453/2008Mr. Jasbir Singh Malik, Adv.
Mr. S.K. Sabharwal, Adv.(Not present)

In SLP 2319/2009

Mr. V. Prakash, Sr.Adv.
Mr. Jasbir Singh Malik, Adv.
Mr. S.K. Sabharwal, Adv.(Not present)

For Respondent(s)

Mr. Manjit Singh Dalal, AAG
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.(Not present)

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

S.L.P.(C) No.26453 of 2008

This petition is directed against order dated

8.8.2008 passed by the Division Bench of the Punjab and

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Haryana High Court, whereby the writ petition filed by the

petitioner questioning the acquisition of land comprising

Khasra No. 18//2/2/2 situated in the revenue estate of

village Fazilpur Jharsa, Tehsil and District Gurgaon was

dismissed.

During the course of hearing, Shri Manjit Sing

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Dalal, learned Additional Advocate General appearing for the respondents made a statement that if the petitioner files an undertaking before the Director, Urban Estates, Haryana that land comprising Rectangle No.18, Khasra No.2/2/2 measuring 50 sq. yds. will be maintained as play ground for the school and will not be used for any other purpose and no construction will be raised, the Government will release the same from acquisition.

In view of the statement made by learned Additional Advocate General, the special leave petition is disposed of with the following directions:

1. Within a period of eight weeks from today, the petitioner shall file an undertaking before the Director, Urban Estates, Haryana that he will not use land comprising Rectangle No.18, Khasra No.2/2/2 measuring 50 sq. yds. for any purpose other than play ground of the school and will not raise any construction over that piece of land except the boundary wall, if any.
2. Within next one month, the competent authority shall pass an order for release of the aforesaid piece of land from acquisition.
3. The petitioner shall not lay any claim in respect of any other portion of the acquired land.

S.L.P.(C) No.2319 of 2009

This petition is directed against order dated 8.8.2008 passed by the Division Bench of the Punjab and Haryana High Court, whereby the petitioners' challenge to the acquisition of their land was dismissed.

We have heard learned counsel for the parties and carefully perused the record. In our view, the reasons assigned by the Division Bench of the High Court for not

entertaining the petitioners' challenge to the acquisition proceedings are legally correct and the impugned order does not call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master