

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2021
(Arising from SLP(C) No. 2704 of 2021)

NAND KISHORE & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. _____ OF 2021
(Arising from SLP(C) No. 3798 of 2021)

O R D E R

Civil Appeal arising from SLP(C) No. 2704 of 2021

Leave granted

The grievance in this appeal is very limited. It is urged that the High Court dealt with a group of cases together, but has not specifically dealt with the case of the appellants pertaining to writ petition being C.W.P No. 319 of 2018 unlike other cases, but has disposed of the same by a general/common order.

In other words, the grievance of the present appellants has not been specifically dealt with by the High Court in the impugned judgment. This position is

fairly accepted by the learned counsel appearing for the respondent-State.

Accordingly, we set aside the impugned judgment and order passed by the High Court of Punjab and Haryana at Chandigarh only in respect of C.W.P. No. 319 of 2018 and restore the said writ petition to the file of the High Court for being considered afresh on its own merits and in accordance with law. All contentions available to both sides are left open.

This appeal is disposed of in the above terms.

Pending application(s), if any, stand disposed of.

Civil Appeal arising from SLP(C) No. 3798 of 2021

Leave granted

The grievance in this appeal is very limited. It is urged that the High Court dealt with a group of cases together, but has not specifically dealt with the case of the appellants pertaining to writ petition being C.W.P No. 9479 of 2018 unlike other cases, but has disposed of the same by a general/common order.

In other words, the grievance of the present appellants has not been specifically dealt with by the

High Court in the impugned judgment. This position is fairly accepted by the learned counsel appearing for the respondent-State.

Accordingly, we set aside the impugned judgment and order passed by the High Court of Punjab and Haryana at Chandigarh only in respect of C.W.P No. 9479 of 2018 and restore the said writ petition to the file of the High Court for being considered afresh on its own merits and in accordance with law. All contentions available to both sides are left open.

This appeal is disposed of in the above terms.

Pending application(s), if any, stand disposed of.

.....,J.
(A.M. KHANWILKAR)

.....,J.
(DINESH MAHESHWARI)

.....,J.
(C.T. RAVIKUMAR)

NEW DELHI;
September 29, 2021.

ITEM NO.9 Court 3 (Video Conferencing) SECTION IV-B

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). 2966-2967/2021

(Arising out of impugned final judgment and order dated 12-10-2020 in CWP No. 17983/2017 18-01-2021 in RACW No. 12/2021 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAMESH SINGH & ORS. Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS. Respondent(s)

IA No. 89378/2021 - APPLICATION FOR PERMISSION
IA No. 89381/2021 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 2704/2021 (IV-B)

IA No. 21021/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 21018/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15797/2020 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 134811/2020

FOR APPLICATION FOR PERMISSION ON IA 91249/2021

FOR EXEMPTION FROM FILING O.T. ON IA 91251/2021

IA No. 91249/2021 - APPLICATION FOR PERMISSION

IA No. 134811/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 91251/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 14910/2021 (IV-B)

(FOR

FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 82022/2021

FOR APPLICATION FOR SUBSTITUTION ON IA 82023/2021

FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA 82025/2021

IA No. 82023/2021 - APPLICATION FOR SUBSTITUTION

IA No. 82025/2021 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 82022/2021 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 4042/2021 (IV-B)

IA No. 33877/2021 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 5537/2021 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 47691/2021

FOR APPLICATION FOR SUBSTITUTION ON IA 82597/2021

IA No. 82597/2021 - APPLICATION FOR SUBSTITUTION
 IA No. 47691/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
 SLP(C) No. 2822/2021 (IV-B)
)
 SLP(C) No. 2703/2021 (IV-B)
 (FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 21007/2021
 FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA 40840/2021
 FOR APPLICATION FOR PERMISSION ON IA 79329/2021
 IA No. 79329/2021 - APPLICATION FOR PERMISSION
 IA No. 40840/2021 - CONDONATION OF DELAY IN FILING THE SPARE COPIES
 IA No. 21007/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
 SLP(C) No. 7687/2021 (IV-B)
 (FOR APPLICATION FOR PERMISSION ON IA 91260/2021
 FOR EXEMPTION FROM FILING O.T. ON IA 91263/2021
 IA No. 91260/2021 - APPLICATION FOR PERMISSION
 IA No. 91263/2021 - EXEMPTION FROM FILING O.T.)
 SLP(C) No. 3363/2021 (IV-B)

IA No. 27926/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 27922/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 78513/2021 - EXEMPTION FROM FILING O.T.)
 SLP(C) No. 4622/2021 (IV-B)
 (FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40167/2021
 FOR APPLICATION FOR PERMISSION ON IA 89414/2021
 FOR EXEMPTION FROM FILING O.T. ON IA 89418/2021
 IA No. 89414/2021 - APPLICATION FOR PERMISSION
 IA No. 40167/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 89418/2021 - EXEMPTION FROM FILING O.T.)
 SLP(C) No. 2216-2218/2021 (IV-B)

IA No. 78527/2021 - APPLICATION FOR PERMISSION)
 SLP(C) No. 3373/2021 (IV-B)

IA No. 28023/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 28020/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 78565/2021 - EXEMPTION FROM FILING O.T.)
 SLP(C) No. 3798/2021 (IV-B)

IA No. 78574/2021 - APPLICATION FOR PERMISSION
 IA No. 30947/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 30945/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 78582/2021 - EXEMPTION FROM FILING O.T.)
 SLP(C) No. 6641/2021 (IV-B)
 (FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 58789/2021
 FOR APPLICATION FOR PERMISSION ON IA 89553/2021
 FOR EXEMPTION FROM FILING O.T. ON IA 89556/2021
 IA No. 89553/2021 - APPLICATION FOR PERMISSION
 IA No. 58789/2021 - APPLICATION FOR SUBSTITUTION
 IA No. 89556/2021 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6195/2021 (IV-B)
 (FOR ADMISSION and I.R.)

SLP(C) No. 11559-11561/2021 (IV-B)
 (FOR ADMISSION and I.R. and IA No.88900/2021-EXEMPTION FROM FILING
 O.T.)

SLP(C) No. 12384/2021 (IV-B)
 (FOR ADMISSION and I.R. and IA No.96850/2021-EXEMPTION FROM FILING
 O.T.)

SLP(C) No. 14121/2021 (IV-B)
 (FOR ADMISSION and I.R..)

Date : 29-09-2021 These matters were called on for hearing today.
 CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
 HON'BLE MR. JUSTICE DINESH MAHESHWARI
 HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

M/S. Delhi Law Chambers, AOR

Mr. Pradeep Gupta, Adv.
 Mr. Parinav Gupta, Adv.
 Mr. Krishna Kumar, Adv.
 Ms. Mansi Gupta, Adv.
 Ms. Nandani Gupta, Adv.
 Ms. Mamta Sharma, Adv.
 Dr. (Mrs.) Vipin Gupta, AOR

Mr. Aditya Singh, AOR
 Mr. Ankit Swarup, AOR

Mr. Puran Mal Saini, Adv.
 Mr. Ranbir Singh Yadav, AOR
 Mr. Prateek Yadav, Adv.
 Mrs. Pratima Yadav, Adv.
 Mr. Ritesh Patil, Adv.
 Dr. Sushil Balwada, AOR

Mr. Somvir Singh Deswal, Adv.
 Mr. Satbir Singh Pillania, Adv
 Ms. Amit Kumari Saroha, Adv.
 Mr. Kuldeep Singh Bhakar, Adv.
 Mr. Diwan Singh Chauhan, Adv.
 Mr. Nischal Kumar Neeraj, AOR

Mr. Rajiv Kataria, AOR
 Mr. Debjani Das Purkayashtha, AOR

Mr. Vishvendra Verma, Adv.
 Mr. Sandiv Kalia, Adv.
 Mr. Satbir Singh Pillania, Adv.
 Ms. Reena Rao, Adv.
 Mr. Nand Ram, Adv.

Mr. Karan Kapoor, Adv.
 Mr. Manik Kapoor, Adv.
 Mr. Akshay Munjal, Adv.
 Mr. Shashank S. Jha, Adv.
 Mr. Shubham Bhalla, AOR

Mr. Manoj Swarup, Sr. Adv.
 Mr. Ankit Swarup, Adv.
 Mr. Neelmani Pant, Adv.
 Mr. Vidisha Swarup, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
 Mr. B.K. Satija, AAG
 Mr. Sanjay Kumar Visen, AOR
 Mr. Himanshu Satija, Adv.

Mr. Vaibhav Manu Srivastava, AOR
 Mr. B. K. Satija, AOR

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

SLP(C) No. 4042 of 2021

The first argument canvassed before us is about the correctness of the decision of the Constitution Bench of this Court in *Indore Development Authority vs. Manohar Lal & Ors.* reported in (2020) 8 SCC 129.

The argument that the expression 'or' occurring in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ought not to have been interpreted as 'and' does not commend to us.

For, the Constitution Bench has analyzed all aspects of the matter for taking the view that it has taken in that judgment. We do not see any reason to take a different view of that matter. Hence, that argument is rejected.

The next argument of the petitioners is that the High Court proceeded on the assumption that possession has already been taken. The argument overlooks the factual position stated in paragraph 52 of the impugned judgment while dealing with the case of these petitioners.

It is noted that possession of land was taken vide rapat rojnamcha No. 881 dated 16.07.2005. There is no reason to doubt the correctness of this factual position noted in the impugned order.

In the special leave petition, a vague statement has been made that no report whatsoever was produced before the High Court. If that is the grievance, it is open to the petitioners to approach the High Court by way of appropriate proceedings. The High Court may decide the same on its own merits and in accordance with law.

For the time being, suffice it to observe, that the relief claimed by the petitioners has been answered

against the petitioners by the High Court on the fact noted in paragraph 52 of the order. If that fact is accurate, the consequences must follow and no declaration of lapsing can be issued in favour of the petitioners.

In light of the aforesaid observation, learned counsel for the petitioners seeks liberty to withdraw the special leave petition with leave to approach the High Court. The petitioners are free to do so, if so advised.

We are not expressing any opinion on the correctness of the said plea taken by the petitioners in this special leave petition. The High Court may decide that plea on its own merits and in accordance with law.

We make it clear that if the High Court reiterates the position stated in paragraph 52, no further special leave petition against the original order would be entertained as we are in agreement with the conclusion mentioned therein, but in the proceedings to be initiated by the petitioners, if other factual aspects are raised and dealt with by the High Court only that grievance regarding the correctness of finding thereon alone can be assailed by the petitioners by way of special leave petition.

The special leave petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

SLP (C) Nos. 2966-2967 of 2021, 15797 of 2020, Diary No. 14910 of 2021, SLP(C) Nos. 5537, 2822, 3363, 4622, 2216-2218, 3373 and 14121 of 2021

Permission to file special leave petition is granted.

The application(s) for substitution are allowed, subject to all just exceptions, after condoning the delay in the concerned special leave petitions.

The special leave petitions are dismissed as we see no reason to deviate from the view taken by the High Court while dealing with the factual position in concerned writ petition filed by the respective petitioners¹.

The petitioners, however, are at liberty to make representation to the State Government in terms of Section 101A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as applicable to the State of Haryana, which be decided expeditiously in accordance with the exposition of this Court in Civil Appeal

1 Paragraph 62 in SLP(C) Nos. 2966-2967/2021, paragraph 62 in SLP(C) No. 15797/2020, paragraph 40 in Diary No. 14910/2021, paragraph 21 in SLP(C) No. 5537/2021, paragraph 31 in SLP(C) No. 2822/2021, paragraph 36 in SLP(C) No. 3363/2021, paragraph 47 in SLP(C) No. 4622/2021, paragraph 36 in SLP(C) Nos. 2216-2218/2021, paragraph 36 in SLP(C) No. 3373/2021 and paragraph 74 in SLP(C) No. 14121/2021.

Nos.2714-2715 of 2021 and connected cases decided on 15.07.2021.

SLP(C) Nos. 2704 and 3798 of 2021

Leave granted.

The civil appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

SLP(C) No. 2703 of 2021

Heard learned counsel for the parties.

The grievance in this petition, essentially, is about the non-consideration of the report dated 22.08.2015 submitted by the Secretary-cum-Director General, Urban Estates Department, Haryana to the High Court pursuant to order dated 17.11.2014.

According to the petitioners, this report was part of the proceeding in CWP No. 26277 of 2016 but has been glossed over by the High Court. According to this report, it is urged that the possession of a substantial part of the property continued with the writ petitioners even after 11.07.2001. This grievance can be made by the

petitioners by way of a review petition before the High Court.

Accordingly, we permit the petitioners to file a review petition and urge all contentions as may be permissible in law. The High Court may consider the same on its own merits and in accordance with law.

At this stage, learned counsel for the petitioners seeks liberty to approach this Court, in case, the decision of the High Court in review petition is adverse to the petitioners.

We grant liberty to the petitioners to the limited extent of questioning the correctness of the finding of the High Court in reference to the report of Secretary-cum-Director General referred to above, and the effect thereof as regards the finding recorded by the High Court in paragraph 25 of the impugned judgment – that possession of the land was taken vide report No.544 dated 11.07.2011. That finding cannot be once again challenged before this Court even if the petitioners are granted liberty to file a review petition before the High Court and to approach this Court.

The special leave petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

SLP(C) No. 7687 of 2021

The special leave petition is dismissed as we affirm the view taken by the High Court in paragraphs 15 to 17 of the impugned judgment *qua* the present petitioners.

The petitioners, however, is granted liberty, as prayed, to approach the State Government to invoke powers of the State Government under section 101A of the Act, 2013, as applicable to the State of Haryana which application be decided by the State Government on its own merits and in accordance with law keeping in mind the exposition of this Court in Civil Appeal Nos.2714-2715 of 2021 and connected cases decided on 15.07.2021.

Pending applications, if any, stand disposed of.

SLP(C) No. 6641 of 2021

The application for substitution is allowed, subject to all just exceptions.

The grievance of the petitioners before us is that their case has not been discussed at all in the impugned

judgment. They invited an order on same terms as passed in civil appeal arising from SLP(C) No. 2704 of 2021.

Learned counsel for the respondent-State, however, points out paragraph 62 of the impugned judgment and contends that the case of the present petitioners has been dealt with therein, but wrongly mentioned as CWP No. 3567 of 2017 instead of CWP No.3657 of 2017.

We permit the petitioners to go back to the High Court to point out this discrepancy and invite appropriate clarification, if so advised. That application be considered by the High Court on its own merits and in accordance with law, including, to examine the argument that their case is not covered with the finding of fact recorded in paragraph 62 of the impugned judgment.

The special leave petition is disposed of with liberty as aforesaid.

Pending applications, if any, stand disposed of.

SLP(C) Nos. 6195 and 11559-11561 of 2021

Learned counsel for the petitioners in SLP(C) No. 6195 of 2021 submits that the High Court ought not to have rejected the relief as claimed in the Civil Writ

Petition No. 9179 of 2018 in toto. Instead, the High Court should have declared that the acquisition proceedings in respect of land referred to in the speaking order dated 19.02.2018 passed by the Chairman-cum-Zonal Administrator, HUDA (Annexure P-9) had lapsed or at least issued mandamus to the State to the limited extent that the petitioners shall not be proceeded in respect of land referred to in the speaking order without taking recourse to due process of law. We find force in the argument that if the land has already been released by the appropriate authority, the acquisition proceedings cannot be precipitated at least to that limited extent.

Learned counsel for the respondent submits that the Court may confirm the order of the High Court rejecting the prayer for lapsing of the remaining part of the land, which is not referred to in the speaking order dated 19.02.2018. We have no hesitation in doing so. Ordered accordingly.

Even in the case bearing SLP(C) Nos.11559-11561 of 2021, the petitioners are relying on communication dated 24.06.2015 (Annexure P-13) to contend that a portion of the land stands released in terms of this order. In that

case, the observation made in the companion case would apply with full force to this case and the order passed by the High Court which is impugned in the present petition be understood accordingly.

The Special Leave Petitions are disposed of accordingly.

Pending applications, if any, stand disposed of.

SLP(C) No. 12384 of 2021

Heard learned counsel for the parties.

We agree with the grievance made by the petitioners that the High Court has merely adverted to the petition filed by these petitioners being CWP No. 9281 of 2018, but has not dealt with factual aspects involved for reaching at the conclusion as to whether the acquisition has lapsed or otherwise. Indeed, our attention was drawn to the third sub-paragraph of paragraph 34, which appears to be a general observation with regard to two different writ petitions. But, as the High Court has dealt with each writ petition separately, to avoid any confusion, it is appropriate that the petitioners are granted liberty to approach the High Court by way of review petition, if

so advised. The petitioners may do so. That application be decided on its own merits and in accordance with law.

Liberty granted in terms of this order does not mean that we have expressed any opinion either way on the claim of the petitioners.

The special leave petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)