

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO(S). 4306 OF 2018
[ARISING OUT OF SPECIAL LEAVE PETITION
(CIVIL) NO.25440 OF 2013]**

SARV SACHIN INDUSTRIES ...APPELLANT(S)

VERSUS

**THE STATE OF HARYANA
& ANR. ...RESPONDENT(S)**

ORDER

1. Leave granted.
2. We have heard the learned counsel for the appellant. None has appeared on behalf of the State of Haryana in spite of due service of notice.
3. The challenge to the Notification issued under Section 4/6 of the Land Acquisition Act, 1894 (for short "Act") acquiring the land of the appellant has been negatived by the High Court on the

ground that the appellant had not filed objections under Section 5A of the Act.

4. Learned counsel for the appellant has tried to contend to the contrary by means of the response of the State to the query made under the Right to Information Act to the effect that the objections under Section 5A had been filed.

5. We have looked into the said documents which are part of the rejoinder affidavit of the appellant dated 7th March, 2016. That apart, in a series of connected cases (lead case being CWP No.14340/2011 - Sultan Singh & Ors. Vs. State of Haryana & Ors.) a coordinate bench of the High Court by judgment and order dated 29th November, 2013 has taken the view that whether objections under Section 5A of the Act have been filed or not in so far as acquisitions involved in those cases are concerned, the

cases of the landowners are required to be considered in terms of the directions contained in paragraph 52 of the aforesaid judgment in the aforesaid group of cases dated 29th November, 2013.

6. In the aforesaid facts we are of the view that it will be just and proper to set aside the order of the High Court and allow this appeal and direct that the case of the appellant be reconsidered in the light of the directions contained in paragraph 52 of the aforesaid judgment dated 29th November, 2013. We order accordingly.

7. The appeal consequently is allowed in the above terms.

....., J.
(RANJAN GOGOI)

....., J.
(R. BANUMATHI)

NEW DELHI
APRIL 24, 2018

ITEM NO.16

COURT NO.3

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). 9004/2014
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 29-11-2013
IN CWP NO. 10183/2013 PASSED BY THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH)

OM PARKASH (DEAD) THR. LRS. & ORS.

PETITIONER(S)

VERSUS

THE STATE OF HARYANA & ORS.

RESPONDENT(S)

WITH

SLP(C) NO. 25440/2013 (IV-B)[ITEM NO.16.1]

SLP(C) NO. 14929/2014 (IV-B)[ITEM NO.16.2]

SLP(C) NO. 16716/2014 (IV-B)[ITEM NO.16.3]

SLP(C) NO. 15236/2014 (IV-B)[ITEM NO.16.4]

SLP(C) NO. 28852-28853/2014 (IV-B)[ITEM NO.16.5]

(AND IA NO.13407/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP(C) NO. 30626-30627/2014 (IV-B)[ITEM NO.16.6]

SLP(C) NO. 5188/2015 (IV-B) [ITEM NO.16.7]

SLP(C) NO. 28122/2015 (IV-B) [ITEM NO.16.8]

Date : 24-04-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI

For parties:

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Aparna Rohatgi, Adv.
Mr. Mahesh Kasana, Adv.
Mr. S. K. Dhingra, AOR

Mr. S.K. Dhingra, Adv.
Ms. Vriti Gujral, Adv.
Ms. Aparna Rohatgi, Adv.
Mr. Puneet Wasana, Adv.

Mr. V. Giri, Sr. Adv.
Ms. Kaveeta Wadia, AOR
Mr. Shashank Tripathi, Adv.

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Mr. Shashank Tripathi, Adv.

Mr. Kailash Vasdev, Sr. Adv.
Mr. Abhay Kumar, AOR
Mr. Rony, Adv.
Ms. Anupama Kaul, Adv.

Mr. Rahul Narayanan, Adv.
for M/S. Dua Associates, AOR

Mr. Vishwa Pal Singh, AOR [N/P]

Dr. Monika Gusain, AOR [N/P]

Mr. Ravindra Bana, AOR [N/P]

Mr. Satpal Singh, AOR [N/P]

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

SLP(C) NO.9004/2014 (ITEM NO.16), SLP(C) NO.14929/2014 (ITEM NO.16.2), SLP(C) NOS.28852-28853/2014 (ITEM NO.16.5) AND SLP(C) NO.5188/2015 (ITEM NO.16.7)

Delay condoned.

Permission to file additional documents is granted.

None has appeared on behalf of the State of Haryana in spite of due service of notice.

We have heard the learned counsels for the petitioners.

During the pendency of the present Special Leave Petitions pursuant to the impugned order(s) of the High Court, the cases of the petitioners have been reconsidered and an order dated 17th October, 2014/8th December, 2014 has been passed which is adverse to the petitioners. The petitioners have a remedy against the aforesaid order dated 17th October, 2014/8th December, 2014 which they may avail of. We make it clear that in the event the petitioners choose to challenge the aforesaid order dated 17th October, 2014/8th December, 2014 such challenge can be founded on all legal grounds and objections that may be available in law. There shall be status quo for a period of four weeks with effect from today to enable the parties to avail of remedy in accordance with law.

We make it clear that we have expressed no opinion on merits.

SLP(C) NO.16716 OF 2014 [ITEM NO.16.3]

Learned counsel appearing for the petitioner prays for liberty to withdraw this Special Leave

Petition. Liberty, as prayed for, is granted. The Special Leave Petition is accordingly closed on withdrawal.

SLP(C) NO.15236/2014 [ITEM NO.16.4]

Heard the learned counsel for the petitioner and perused the relevant material. None has appeared on behalf of the State of Haryana in spite of due service of notice.

We find no good ground to interfere with the order of the High Court The Special Leave Petition is accordingly dismissed.

SLP(C) NO.30626-30627/2014 [ITEM NO.16.6]

Heard the learned counsel for the petitioner and perused the relevant material. None has appeared on behalf of the State of Haryana in spite of due service of notice.

We find no merit in the present Special Leave Petitions. The Special Leave Petitions are accordingly dismissed.

SLP(C) NO.28122/2015 [ITEM NO.16.8]

Heard the learned counsel for the petitioner and perused the relevant material. None has appeared on behalf of the State of Haryana in spite of due service of notice.

We are not inclined to interfere. However, it will be open for the petitioner to pursue the claim for enhanced compensation which is stated to be pending. As and when such an approach is made by the petitioner, the forum before whom the proceedings are pending shall proceed to hear and decide the same.

The Special Leave Petition is disposed of in the above terms.

SLP(C) NO.25440/2013 [ITEM NO.16.1]

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
BRANCH OFFICER

[ONE SIGNED ORDER IS PLACED ON THE FILE]