

ITEM NO.42

COURT NO.13

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15148/2017

[Arising out of impugned final judgment and order dated 12-08-2016 in RSA No. 2915/2012 passed by the High Court of Punjab & Haryana at Chandigarh]

ESTATE OFFICER, HARYANA URBAN DEVELOPMENT  
AUTHORITY & ORS.

Petitioner(s)

VERSUS

NIRMALA DEVI

Respondent(s)

[TO BE TAKEN UP AS FIRST MATTER ON BOARD.]

WITH

SLP(C) No. 25549/2017 (IV-B)

IA No. 58394/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20604/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
42319/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
57227/2017

FOR APPLICATION FOR SUBSTITUTION ON IA 85374/2020

FOR EXEMPTION FROM FILING O.T. ON IA 85377/2020

FOR APPLICATION FOR RECTIFICATION ON IA 93592/2020

IA No. 93592/2020 - APPLICATION FOR RECTIFICATION

IA No. 85374/2020 - APPLICATION FOR SUBSTITUTION

IA No. 42319/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 85377/2020 - EXEMPTION FROM FILING O.T.

IA No. 57227/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20614/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
40137/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
57365/2017

IA No. 40137/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 57365/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20608/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
43136/2017

FOR EXEMPTION FROM FILING O.T. ON IA 43137/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 57206/2017

IA No. 43136/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 43137/2017 - EXEMPTION FROM FILING O.T.

IA No. 57206/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20640/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 41386/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 57369/2017

IA No. 41386/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 57369/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Diary No(s). 9756/2017 (IV-B)

FOR CONDONATION OF DELAY IN FILING ON IA 40455/2017

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 40456/2017

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40457/2017

IA No. 40455/2017 - CONDONATION OF DELAY IN FILING

IA No. 40456/2017 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 40457/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 15152/2017 (IV-B)

SLP(C) No. 15306/2017 (IV-B)

SLP(C) No. 15273/2017 (IV-B)

SLP(C) No. 15146/2017 (IV-B)

SLP(C) No. 25553/2017 (IV-B)

IA No. 58452/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20617/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40212/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 57370/2017

IA No. 40212/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 57370/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 20642/2017 (IV-B)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40094/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 57373/2017

IA No. 40094/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 57373/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 15274/2017 (IV-B)  
SLP(C) No. 25547/2017 (IV-B)  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
58400/2017  
IA No. 58400/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
SLP(C) No. 25555/2017 (IV-B)

IA No. 58391/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
SLP(C) No. 20616/2017 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
44271/2017  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
57372/2017  
IA No. 44271/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 57372/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
SLP(C) No. 20607/2017 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
44845/2017  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
57375/2017  
IA No. 44845/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 57375/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
SLP(C) No. 15147/2017 (IV-B)  
SLP(C) No. 949/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
139105/2017  
IA No. 139105/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
SLP(C) No. 20605/2017 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
44480/2017  
IA No. 44480/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
SLP(C) No. 4787/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
75431/2017  
IA No. 75431/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
SLP(C) No. 30437/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
156740/2018  
IA No. 156740/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
SLP(C) No. 30436/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
155985/2018  
IA No. 155985/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

## JUDGMENT

SLP(C) No. 30438/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
158311/2018

IA No. 158311/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

SLP(C) No. 30439/2018 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
158573/2018

IA No. 158573/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

SLP(C) No. 12014/2021 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
94723/2020

IA No. 94723/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

SLP(C) No. 12015/2021 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
90512/2020

IA No. 90512/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

SLP(C) No. 12016/2021 (IV-B)  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
94733/2020

IA No. 94733/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

Date : 05-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Vishwa Pal Singh, AOR

Mr. B. K. Satija, AOR  
Ms. Aishwarya Bhati, A.S.G.  
Mr. B. K. Satija, A.A.G.

Mr. Sanjay Kumar Visen, AOR

Ms. Aishwarya Bhati, A.S.G.  
Mr. B.k. Satija, A.A.G.  
Mr. Samar Vijay Singh, AOR  
Ms. Sabarni Som, Adv.  
Mr. Aman Dev Sharma, Adv.  
Mr. Fateh Singh, Adv.  
Mr. Keshav Mittal, Adv.  
Mr. Sukhdev Sharma, Adv.

For Respondent(s) : Mr. Amit K. Nain, AOR

Mr. Sanjay Singh, Adv.  
Mr. Umang Shankar, AOR  
Mr. Shalender Singh Negi, Adv.

Mr. Shree Pal Singh, AOR

Mr. V. K. Verma, AOR  
Mr. Rajat Srivastav, Adv.  
Mr. Tarun Verma, Adv.

Mr. Siddharth Mittal, AOR

Mr. Jk Bholra, Adv.  
Mr. J K Bholra, Adv.  
Mr. Rajiv Raheja, AOR

Dr. Surender Singh Hooda, AOR

Mr. D. Bharat Kumar, Adv.  
Mr. Aman Shukla, Adv.  
Mr. M. Chandrakanth Reddy, Adv.  
Mr. Abhijit Sengupta, AOR

Mr. Ankit Goel, AOR  
Mr. Harshit Singhal, Adv.

Mr. Ajay Kumar Singh, AOR  
Mr. Subhasish Bhowmick, AOR

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

1. We heard Ms. Aishwarya Bhati, the learned Additional Solicitor General appearing for the Haryana Urban Development Authority i.e. the petitioners - herein and the learned counsel appearing for the respective respondents in each of the petitions before us.
2. Having heard the matter for quite some time, we have been able to understand the controversy involved in this litigation. What we have been able to understand *prima facie* is that in the State of Haryana, there is a very unusual policy with respect to land acquisition. If the Government wants to acquire land for public purpose, it proceeds in accordance with the provisions of Land Acquisition Act. However, it has its own policy of even providing

alternate plots of land to the oustees. It all started in the year 1989 with the issue of Notification under Section 4 of the Land Acquisition Act. In 1990, the Section 6 Notification came to be issued. In the year 1992, the awards were passed.

3. We were taken through the relevant features of the policy relating to allotment of residential plots/commercial sites to the oustees. The same is at Annexure `P1' in the first matter before us.

4. Thereafter, we were taken through the various pleadings in the plaint which is at Annexure `P6'.

5. Prima facie, it appears that the suits filed by the individuals/oustees are one invoking Section 39 of the Specific Relief Act, 1963.

6. We also take notice of the fact that in some of the cases, the Trial Court dismissed the Suits whereas few came to be allowed.

7. However, the fact is that all these petitions arise from a common Judgment and order passed by the High Court dismissing in all 27 Second Appeals.

8. Today, Ms. Bhati, the learned Additional Solicitor General invited our attention to the order passed by this Court dated 8-5-2017, the same reads thus:-

"Delay condoned

Shri Shyam Divan, learned senior counsel appearing on behalf of the petitioner submits that the petitioner will abide by the policy framed on 11.08.2016 and every eligible oustee will be accommodated according to the said Policy.

Issue notice restricted to the question of correctness of the general direction made by the High Court in granting allotments to all claimants who may not be similarly situated.

In the meantime, there shall be stay of execution."

9. The plain reading of the aforesaid order would indicate that at the relevant point of time, a statement was made on behalf of

the Authority that they were ready and willing to consider the claims of the oustees in accordance with the policy of 2016.

10. Therefore, this Court thought fit to issue notice limited to the general direction which has been issued by the High Court in its impugned judgment and order, referred to above. To the aforesaid, there is a strong objection at the end of the learned counsel appearing for the individual oustees. Their claim is that they are entitled to the benefit of the Policy of 1992 and not 2016.

11. To a very specific question put to them as to why they are objecting to the Policy of 2016, the reply was that the rates have been increased over a period of years. They want allotment at the rate which were prevalent in accordance with 1992 policy and not in accordance with 2016 policy. This aspect will have to be looked into.

12. Ms. Bhati put forward three contentions. First, all those oustees who had actually not applied in accordance with the policy prevalent at the relevant point of time, could not have instituted the suits invoking Section 39 of the Specific Relief Act. According to Ms. Bhati, such suits by itself were not maintainable.

13. Her second contention is that each co-sharer is not entitled to individual plots and the third contention is with regard to limitation.

14. Before we proceed to hear these matters finally, we want the following information to be placed on record for better and effective determination of the issues falling for our consideration:-

- (i) in how many cases before us, the concerned outstee(s) had not applied at all;
- (ii) How many had actually applied;
- (iii) the fine distinguishing features between the policy of 1992 and 2016 respectively;
- (iv) how many suits were allowed, whereas how many were dismissed by the Trial Court

15. We would also request Ms. Bhati, the learned ASG to make us understand the purport of the judgment delivered by this Court in "Brij Mohan and Others vs. Haryana Urban Development Authority & Anr. (2011) 2 SCC 29 (Civil Appeal No.1 of 2011), decided on 3-1-2011.

16. In the last paragraph of the impugned order passed by the High Court, we find reference of Udai Singh's case. It appears that the entire impugned judgment is based on the ratio of Udai Singh's case.

17. We are informed that Udai Singh's Judgment was carried to this Court by way of Special Leave to Appeal (Civil) Nos.8766-8767/2023 which came to be dismissed by this Court vide order dated 24-11-2025.

18. We would also like to know from Ms. Bhati whether the High Court was justified in relying on the dictum as laid in the Udai Singh's case.

19. Let the aforesaid information come on record by way of an affidavit.

20. Post these matters on 25-3-2025 as Item No.1 to be treated as Part-heard.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)