



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 4582/2022
& CWP No. 188/2023
Ordered reserved on: 24.5.2023
Decided on : 31.5.2023

1. CWP No. 4582/2022

Surinder Singh & ors.

.....Petitioners

Versus

Union of India & ors.

...Respondents

2. CWP No. 188/2023

Akhilender Singh Guleria & ors.

...Petitioners

Versus

Union of India & ors.

...Respondents

Coram:

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

The Hon'ble Mr. Justice Virender Singh, Judge.

*Whether approved for reporting?*¹ Yes

For the Petitioner:

Mr. Anilendra Pandey, Advocate, (through video conferencing) with Mr. Pradeep Kumar Sharma Advocate, for petitioners No.2 to 25 & 45 to 60 in CWP No. 4582/2022 and petitioner No. 1 in CWP No. 188/2023.

Mr. Mandeep Nagpal, Advocate, vice Mr. Charanpal Singh Bagri, Advocate, Advocate, (through video conferencing) with Mr. Avinash Jaryal, Advocate, for the remaining petitioners in both the writ petitions.

For the Respondents:

Mr. Balram Sharma, DSGI, for respondents No. 1 & 2-Union of India in both the writ petitions.

Mr. K.D. Shreedhar, Sr. Advocate with Mr. Raghujeet Singh Madan, Mr. Sumeet Raj Sharma, Mr. Dhruv Sood & Ms. Sneh

¹ Whether reporters of the local papers may be allowed to see the judgment? Yes.

Bhimta, Advocates, for respondent No.3 in both the writ petitions.
 Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma, Ms. Sharmila Patiyal, Addl. A.Gs, Ms. Priyanka Chauhan, Dy.A.G. and Mr. Rajat Chauhan, Law Officer, for the respondent-State in both the writ petitions.

Justice Tarlok Singh Chauhan

By medium of main writ petition being CWP No. 4582/2022, the petitioners/non-applicants have assailed the award passed by the Competent Authority for Land Acquisition (CALA) as being null and void on mainly the following grounds:-

- i. That no Social Impact Assessment (SIA) or Resettlement Policy Framework (RPF) has been made in view of provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013) and on the lines of certain other similar projects.
- ii. That the respondents have issued three different notifications for the acquisition of same land for one and the same stretch particularly when there is no change in the approved alignment and detailed project report (DPR) as revealed under Right to Information Act (RTI).
- iii. That it is unlawful and unjustified to award compensation at different rates for the land acquired for the one and same project.
- iv. That the amount of compensation under the impugned Awards is determined without revising and updating the market value of the land under acquisition as required under second last proviso to section 26 the Act of 2013.

- v. That respondent competent authority has adopted double standards while determining the market value of the land acquired vide different notifications as well as for different villages.
- vi. That the amount of compensation under the impugned Awards is calculated by ignored the true nature of the land and properties in question.
- vii. That the provisions of section 23 of the Act of 2013 are completely ignored by respondent CALA while passing the impugned Awards as such the impugned Awards are not complete Awards as contemplated by the provisions of section 23 of the Act of 2013 and section 3G of the Act of 1956.
- viii. That the Calculation format prescribed by the First Schedule has not been followed by respondent CALA while passing the impugned Awards for land.
- ix. The respondent CALA has no statutory authority to pass the Award in installments as he has done in the present case by passing the Awards for structures separately.
- x. That no Compensation under any of the heads of Section 28 of the Act of 2013 has also been provided to the petitioners.
- xi. That no compensation has been provided on account of the fact certain petitioners or their sons have been reduced to the status of small or marginal farmers: However, the respondent Ministry of Road Transport and Highways (MORTH) & National Highways Authority of India (NHAI) has made a provision for providing compensation on this account to the similar situated persons affected due to acquisition of

their land for certain other national highway projects (RPF P-63, pg. no. 14).

xii. That the structural Awards do not stand in the eyes of law because the same are based on valuation made by a private valuer & Consultant. It is very questionable that how the valuation can be permitted to be made by a private valuer when the land has been acquired for the public purpose. It is a matter of common prudence that when the NHAI has engaged him and is paying for his services then how he can be expected to be impartial towards the innocent petitioners. The petitioners have no faith on this private valuer because certain instances to malafide intention of his employees and associates have also come to the knowledge of the petitioners.

xiii. That respondent CALA has failed to pass the Individual Awards as contemplated by section 30(2) of the Act of 2013.

xiv. That CALA has failed to append a certificate at the end of his Award that he/she has strictly followed the legal provisions and guidelines in determination of the compensation amount.

xv. That no public notices regarding passing of Awards are published in view of para 3.8(i) of the Manual of Guidelines, 2018.

xvi. That no provision for a service lane has been made to provide access to the remaining land of the petitioners.

xvii. The respondents have failed to pass the R & R Award. All the benefits and entitlements provided under the Second and Third schedules of the Act of 2013 to be given in the form of R & R Award are in addition to the compensation and benefits provided under the First Schedule. The period

of more than 15 months has elapsed since passing of the Award for land, the respondents have not either passed or shown their intention to pass the R & R Award. If the respondents would have an intention to pass the same they would have shown it in the Award for land or in the Structural Award. As such it is a willful misconduct on the part of respondents particularly CALA as he himself admits in the impugned Awards that structures are existing on the land in question and later on passes the structural Awards. A number of photographs, valuation reports prepared by the approved architect, electricity bills, bills of construction material etc. were duly placed by the petitioners before the CALA while filling the objections to prove the existence of the structures as well as to disclose the extent of damages to be suffered by them. But he has not bothered at all that due to this acquisition in question, the petitioners are compelled to change their residence thus they should be provided alternative houses and structures elsewhere before demolishing their existing houses and structures.

xviii. That no special compensation in view of provisions of section 39 of the Act of 2013, has been provided to the petitioners who are of oustees of Pong Dam.

xix. That notice to take possession has been issued even prior to passing of the Awards for structures.

xx. That Respondents failed to apply multiplier factor of 2 in view of Central Govt. Notification bearing S.O. No. 425(F) dated 09.02.2016 and judgment passed by the Hon'ble DB of Gujrat High Court in Jagdishinh Dilipsinh Parmar v. Competent Authority decided on 23.06.2021.

xxi. That there is an apparent violation of the Constitutional Right to Property of the petitioners enshrined under Article 300-A of the Constitution of India.

xxii. That it cannot be contended that the petitioners have any remedy to approach the arbitrator because till date no R & R Awards have been passed and the Awards for land and structures are not passed in the letter and spirit of the Act of 2013 and National Highways Act, 1956 (Act of 1956) as well as the guidelines, rules, notifications, letters and corrigendum issued by the Central Govt.. Moreover as per section 31(1) of the Act of 2013, it's the collector/competent authority (not the arbitrator) who is duty bound to pass Rehabilitation and Resettlement Award prior to taking the possession and demolishing of structures. As such the petitioners cannot be directed to approach the arbitrator. Moreover, in view of law laid by the Hon'ble Apex court in Hari Krishna Mandir Trust vs. State of Maharashtra and others, Civil Appeal No. 6156 of 2013, D/d. 7.8.2020 (Law finder Doc Id # 1735655), even in cases, where an effective alternative remedy is available to the aggrieved persons it will not be a bar to the entertaining of writ petition filed for the enforcement of any of the fundamental rights or where there has been a violation of the principle of natural justice or if the order under challenge is wholly without jurisdiction or the vires of the statute is under challenge.

xxiii. That it is again submitted that by issuing the multiple notifications, passing the number of Awards on different standards as well as not providing the compensation under various heads and not passing the R & R Awards the respondents have apparently and deliberately violated not

only statutory provisions of the Act of 2013 but also the provisions of notifications/regulations/ guidelines/ circulars issued by the central government in this regard. As such indulgence of this Hon'ble Court is immediately required so that all such unlawful notifications and awards can be quashed or in alternative compliance of relevant statutory provisions to provide adequate lawful compensation in view of First schedule, alternative residential places/constructed houses, infrastructural amenities and other benefits as per Second and Third schedule and section 31, 32, 38, 105((3) of the Act of 2013 can be made.

xiv. That if once by disbursing the compensation in view of impugned award, the respondents would take possession by demolishing fully furnished double story residential houses and other structures and mechanism of the petitioners then from where and how the respondents would pass the R & R award. During that time, where the petitioners would reside and how would they earn their livelihood. In the absence of any alternative accommodation to reside and keep their livestock or to run their businesses, the petitioners would be on roads. Therefore, it not only amounts to violation of the provisions of the Act of 2013 but also of fundamental right to shelter and livelihood of the petitioners enshrined under Article 21 of the Constitution of India.

2 Likewise in CWP No. 188/2023, the petitioners have assailed the awards on the ground that the CALA has erred in passing different awards for the land falling in the same area.

3 In sum and substance, the petitioners have questioned the proceedings of acquisition, road alignment and eventually the awards passed by the CALA.

4 Along with CWP No. 4582/2022, the petitioners also filed an application for restraining the respondents from taking the possession of land, structures and properties of the petitioners on the premise that the respondents cannot take possession without making full payment of compensation; and rehabilitation and resettlement (R & R) entitlements in view of the various provisions of the Act.

5 The Court vide order dated 26.7.2022, after affording an opportunity to the respondents to file their reply further observed that the petitioners would be at liberty to seek ad-interim relief thereafter if the replies have been filed by the respondents.

6 Noticeably, the reply on behalf of respondents No. 4 and 5 stood filed on 22.9.2022 and short reply thereafter on behalf of respondent No.1 was filed on 23.9.2022.

7 The case was thereafter listed on 30.9.2022 and the same was adjourned at the request of the petitioners and ordered to be listed on 7.11.2022. The matter was again listed on 7.11.2022 and was again adjourned to 12.12.2022. On 12.12.2022, none

appeared on behalf of the petitioners and the case was ordered to be listed after three weeks and when the case was listed on 11.1.2023, CWP No. 4582/2022 was ordered to be listed along with CWP No. 188/2023 on 28.2.2023.

8 Subsequently, when the case was listed on 28.2.2023, the same was adjourned at the request of learned counsel for the respondent-NHAI on medical grounds and subsequently came up on 15.3.2023 and on that date, both these petitions were ordered to be admitted and heard by a Division Bench and order of status quo with regard to possession over the land in dispute was ordered to be maintained as is evident from order dated 15.3.2023, which reads as under:-

“Admit. Rule D.B.

In the meantime, status quo be maintained with regard to the possession over the land in dispute.”

9 Noticeably, despite replies having been filed by September 2022, the petitioners never chose to argue when the case was listed on 30.9.2022, 7.11.2022, 12.12.2022, and 11.1.2023 respectively.

10 It is this order, which has been assailed by the NHAI by filing CMP No. 5486/2023, wherein it is averred that the instant lis pertains to acquisition carried out by NHAI through respondent-State for constructing, widening, maintaining and management & operation of National Highway No.154 from the stretch KM 11-00 to KM 42 pertaining Pathankot-Mandi Section. The issuance of notification is not in dispute and the procedure under the National Highway Act was followed and notification under Sections 3-A and 3-D were issued between the years 2018 to 2022.

11 After issuance of the notifications, objections, if any, preferred by landowner(s) were decided by the CALA and thereafter the procedure, as prescribed under the law, was followed. Subsequently, awards were passed by the CALA in terms of Section 3G of Act of 1956, which were determined in terms of Act of 2013.

12 Subsequent thereto, the NHAI had deposited the compensation so determined and the same has been released to majority of landowners including petitioners in regards to their land except few.

13 According to the NHAI, for the purposes of widening, maintenance and operation of NH-154 from Km 11.00 to Km 42.00 [Design length 28.700 Km] [Pathankot-Mandi Section] the NHAI

has entered into a Concession Agreement with Pathankot Mandi Highway Private Limited (Concessionaire) on 14.06.2021. Under the Concession Agreement, it is the obligation of the NHAI to provide right of way to the site to the Concessionaire, who is required to complete the project highway within 2 years from the appointed date. The NHAI declared 18.05.2022 to be Appointed Date, and as such, the project has to be completed by 17.05.2024.

14 It is further averred that the project in question is in advance stage, however, there has been sea change at site since July 2022 when the main petition was filed till 15.03.2023 when status quo impugned herein was passed. Though, there were about more than 2700 landowners, whose land have been acquired for the project, but the writ petition came to be filed by 106 petitioners only in July 2022 after majority of petitioners having received the compensation.

15 It is further averred that the petitioners had failed to secure any interim order from this Court since July 2022, however, on 15.03.2023 Division Bench of this Court was pleased to pass status quo order in regard to possession of the land in dispute, owing to which, a critical length of the project highway is now being affected, inasmuch as, since highway constructions is

time consuming and continuous process and it requires that the entire site is made available at the earliest so that entire stretch can be simultaneously put in operation. In case the NHAI completes the work on the entire stretch except the stretch pertaining to petitioners, the NHAI would not be able to put the project highway in operation, thereby resulting in loss of toll and loss to public exchequer and inconvenience to the road users.

16 It is also averred that the petitioners despite having received entire amount, under the garb of status quo order, have denied the NHAI's right to work on the site pertaining to petitioners herein, except for those land belonging to the petitioners for which possession has already been taken.

17 Lastly, it is submitted that the land in question has been acquired for infrastructure project, as such, in terms of Section 20A and Section 41(ha) of Specific Relief Act, no injunction could have been granted by the court involving a contract relating to an infrastructure project specified in the Schedule, where granting injunction would cause impediment or delay in the progress or completion of such infrastructure project, which is at advance stage and any status quo order in regards to possession may cause an impediment in due and proper completion of the

Project, which needs to be vacated as the petitioners clearly do not have any grievance in acquiring their land except the rates and non grant of benefit of resettlement and rehabilitation in the present acquisition and in case grievances of petitioners are held to be tenable, petitioners can always be compensated in terms of money, however, if the order dated 15.03.2023 is continued and if it delays the project in question, the damage caused to respondent-NHAI is irreparable as it would result in delay of infrastructure project and grave inconvenience to public at large to provide better road.

18 The petitioners have filed their reply to the application wherein it is averred that there is no provision in law restraining the courts from granting status quo and the application deserves to be dismissed as the respondents are abusing the process of law and as per mandate of Central Government's notification dated 28.8.2015 and letter dated 11.9.2015, benefits of 2nd and 3rd schedules are required to be provided to the affected persons of national highway acquisitions. The petitioners have lost not only their business establishments, but also their residential houses and, therefore, as such statutory rights provided under the beneficial legislation have to be enforced and in case the order of status quo is vacated and the petitioners are dispossessed and

displaced, then object and intent of the legislation would be defeated.

19 It is not in dispute that in both these cases, the compensation stands deposited and out of 2700 owners of the land, only 106 have filed petitioners before this Court.

20 Apart from above, the main question that arises for consideration is that whether interim order that too in the nature of status quo could have been passed, more particularly, when the same relates to construction of National Highway of strategic importance.

21 It goes without saying that while passing the orders of injunction, more particularly, status quo, the Court is not only required to see whether three essentials pillars being prima facie case, irreparable injury and balance of convenience have been established simultaneously in favour of the party asking for such relief, but in addition to that, the Court is also required to take note of larger public interest in a particular case.

22 In ***Mahadeo Savlaram Shelke vs. Pune Municipal Corporation, (1995) 3 SCC 33***, the Hon'ble Supreme Court has held that in a suit for perpetual injunction, the court would enquire on affidavit evidence and other material placed before the Court to

find strong prima facie case and balance of convenience in granting injunction otherwise irreparable damage would ensue to the plaintiff. The Court should also find whether the plaintiff would adequately be compensated by damages if injunction is not granted. However, thereafter, the Hon'ble Supreme Court proceeded to make very pertinent observations, which read thus:

"It is a common experience that injunction normally is asked for and granted to prevent the public authorities or the respondents to proceed with execution of or implementing scheme of public utility or granted contracts for execution thereof. Public interest is, therefore, one of the material and relevant considerations in either exercising or refusing to grant ad interim injunction."

23 The essence of law developed over a period of time can be stated to be now well settled. There needs to be exercise of restraint and caution while exercising intervention in matters and projects of public importance.

24 In ***National High Speed Rail Corporation Limited vs. Montecarlo Limited (2022) 6 SCC 401***, the Hon'ble Supreme Court sounded a word of caution while entertaining the writ petition or granting stay, which ultimately may delay the execution of the mega projects and held as under:-

“Even while entertaining the writ petition and/or granting the stay which ultimately may delay the execution of the Mega projects, it must be remembered that it may seriously impede the execution of the projects of public importance and disables the State and/or its agencies/instrumentalities from discharging the constitutional and legal obligation towards the citizens. Therefore, the High Courts should be extremely careful and circumspect in exercise of its discretion while entertaining such petitions and/or while granting stay in such matters. Even in a case where the High Court is of the prima facie opinion that the decision is as such perverse and/or arbitrary and/or suffers from mala fides and/or favouritism, while entertaining such writ petition and/or pass any appropriate interim order, High Court may put to the writ petitioner’s notice that in case the petitioner loses and there is a delay in execution of the project due to such proceedings initiated by him/it, he/they may be saddled with the damages caused for delay in execution of such projects, which may be due to such frivolous litigations initiated by him/it. With these words of caution and advise, we rest the matter there and leave it to the wisdom of the concerned Court(s), which ultimately may look to the larger public interest and the national interest involved.”

25 In ***N. G. Projects Limited vs. Vinod Kumar Jain, (2022) 6 SCC 127***, another bench of Hon’ble Supreme Court reiterated the observations in *National High Speed Rail Corporation Limited’s case (supra)* and in addition thereto made following pertinent observations in paras 10, 21 and 26 of the judgment:

10. We find that the interference in contract awarded to the appellant is wholly unwarranted and has caused loss to public interest. Construction of roads is an essential part of development of infrastructure in any State. The learned Single Bench and the Division Bench of the High Court were exercising power of judicial review to find out whether the decision of the State was manifestly arbitrary or unjust as laid down by this Court in *Tata Cellular v. Union of India*³ and to act as appellate authority over the decision of the State. This Court in *Tata Cellular* held as under:

“70. It cannot be denied that the principles of judicial review would apply to the exercise of contractual powers by Government bodies in order to prevent arbitrariness or 3 (1994) 6 SCC 651 favouritism. However, it must be clearly stated that there are inherent limitations in exercise of that power of judicial review. Government is the guardian of the finances of the State. It is expected to protect the financial interest of the State . The right to refuse the lowest or any other tender is always available to the Government. But, the principles laid down in Article 14 of the Constitution have to be kept in view while accepting or refusing a tender. There can be no question of infringement of Article 14 if the Government tries to get the best person or the best quotation. The right to choose cannot be considered to be an arbitrary power. Of course, if the said power is exercised for any collateral purpose the exercise of that power will be struck down.

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77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfillment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

- (i) *Illegality*: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
- (ii) *Irrationality*, namely, *Wednesbury* unreasonableness.
- (iii) *Procedural impropriety*.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in *R. v. Secretary of State for the Home Department, ex Brind* [(1991) 1 AC 696], Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, “consider whether something has gone wrong of a nature and degree which requires its intervention”.

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94. The principles deducible from the above are:

(1) The modern trend points to judicial restraint in administrative action.

(2) The court does not sit as a court of appeal but merely reviews the manner in which the decision was made.

(3) The court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted it will be substituting its own decision, without the necessary expertise which itself may be fallible.

(4) The terms of the invitation to tender cannot be open to judicial scrutiny because the invitation to tender is in the realm of contract. Normally speaking, the decision to accept the tender or award the contract is reached by process of negotiations through several tiers. More often than not, such decisions are made qualitatively by experts.

(5) The Government must have freedom of contract. In other words, a fair play in the joints is a necessary concomitant for an administrative body functioning in an administrative sphere or quasi-administrative sphere. However, the decision must not only be tested by the application of Wednesbury principle of reasonableness (including its other facts pointed out above) but must be free from arbitrariness not affected by bias or actuated by mala fides.

(6) Quashing decisions may impose heavy administrative burden on the administration and lead to increased and unbudgeted expenditure.

Based on these principles we will examine the facts of this case since they commend to us as the correct principles.”

21. Since the construction of road is an infrastructure project and keeping in view the intent of the legislature that infrastructure projects should not be stayed, the High Court

would have been well advised to hold its hand to stay the construction of the infrastructure project. Such provision should be kept in view even by the Writ Court while exercising its jurisdiction under Article 226 of the Constitution of India.

26. A word of caution ought to be mentioned herein that any contract of public service should not be interfered with lightly and in any case, there should not be any interim order derailing the entire process of the services meant for larger public good. The grant of interim injunction by the learned Single Bench of the High Court has helped no-one except a contractor who lost a contract bid and has only caused loss to the State with no corresponding gain to anyone.

26 Another contention on behalf of the petitioners/applicants is that the *status quo* need to be confirmed as they have prayed for re-alignment of the road. However, we find no merit in this contention as the planning of road alignment is for the experts to decide and this Court in exercise of judicial review will not examine the question, as to whether there should be change in road alignment or not. Road alignment is based on technical feasibility and is a matter for experts to decide. The court cannot sit over the decision of experts in respect of road alignment. **(Refer to: Soma Isolux NH One Tollway Private Limited vs. Harish Kumar Puri, (2014) 6 SCC 75)**

27 Apart from above, there are no allegations that the alignment and designs are on account of mala fides and colourable exercise of powers or other elements, which tantamount to arbitrariness in State's action as are reckonable in judicial review.

28 Since the construction of the road in the instant case is of infrastructure project, then keeping in view the intent of the legislature that the infrastructure project(s) should not be stayed and the order of status quo ought not to have been granted even while exercising powers under the writ jurisdiction under Article 226 of the Constitution of India. Continuing with the interim order would virtually amount to derailing the entire process of the services meant for larger public good and if at all, the petitioners ultimately succeed in the petition, then even the best that they can get is an additional amount of compensation.

29 This course may not be possible in CWP No.188/2023 as this petition has been filed by concealing the facts that petitioners No. 1 and 2 have received compensation without protest and as regards petitioner No.3, he was not entitled to any compensation since his land was never acquired. This petition deserves to be thrown out without adjudicating it on merits.

30 This Court in its recent judgment in **CWP No.683/2023, titled as Amar Dev vs. State of H.P., decided on 9.3.2023**, after taking into consideration various pronouncements of the Hon'ble Supreme Court, culled out the following principles:

1. *A writ remedy is an equitable one. While exercising extraordinary power a Writ Court certainly bear in mind the conduct of the party who invokes the jurisdiction of the Court.*
2. *Litigant before the Writ Court must come with clean hands, clean heart, clean mind and clean objective. He should disclose all facts without suppressing anything. Litigant cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back)/ conceal other facts.*
3. *Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, maneuvering or misrepresentation which has no place in equitable and prerogative jurisdiction.*
4. *If litigant does not disclose all the material facts fairly and truly or states them in a distorted manner and misleads the Court, the Court has inherent R.P.No.161/2015 (Central Ware House & Anr. v. Union of India & Anr.) power to refuse to proceed further with the examination of the case on merits. If Court does not reject the petition on that ground, the Court would be failing in its duty.*
5. *Such a litigant requires to be dealt with for Contempt of Court for abusing the process of the Court.*
6. *There is a compelling need to take a serious view in such matters to ensure purity and grace in the administration of justice.*

7. The litigation in the Court of law is not a game of chess. The Court is bound to see the conduct of party who is invoking such jurisdiction.

31 Even otherwise, it is more than settled that individual interest must yield to public interest.

32 In view of aforesaid discussions, we deem it appropriate to vacate the interim order dated 15.3.2023 passed in both these petitions. Ordered accordingly. The petitioners in CWP No. 188/2023 to come prepared for arguments on the question of maintainability of the petitioner on the ground of concealment of material facts.

33 List on 5.7.2023.

(Tarlok Singh Chauhan)
Acting Chief Justice

(Virender Singh)
Judge

31.5.2023
(pankaj)