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CM -11900-CWP-2023 IN/AND CWP-7386-2020
CWP-14612-2023 AND CWP-13980-2022

BHARPAI AND ANOTHER VS STATE OF HARYAN AND OTHERS

Present: Mr. N.C. Kinra, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

1. In the writ petitions respectively bearing numbers CWP-5104-2006, CWP-10079-2011, and CWP-10314-2011, were decided through a common order made thereons, on 04.02.2014 through Annexure P-1.

2. The operative part of the verdict (supra), as became drawn on the writ petitions (supra) becomes extracted hereinafter.

“26. We thus direct the respondent-authorities to conduct a fresh survey/demarcation of the area and release the petitioners’ land beyond what is needed for construction of roads. The petitioners shall be entitled to compensation to the extent of utilization of their land for roads. The question whether they are entitled to compensation under the new Act or the old Act is left open with liberty to the petitioners to raise it before the appropriate Forum.”

3. It is for ensuring the implementation of the above extracted directions, as carried in the verdict (supra), that the writ petitioners have re-recoursed this Court.

4. The learned State counsel is directed to, on the subsequent date of hearing place on record an affidavit sworn by a responsible public functionary, which but covers not only the imperative fact of compliance being made, thus not only with respect to a fresh survey/demarcation of the areas concerned, being made, but shall also reveal in the said affidavit, as to whether, given the findings recorded by an empowered Revenue Officer

concerned, whether some part of the petitioners' lands had been utilized, and/or, in terms of the layout plan or the finalized DPR, thus the petitioners' lands are, as such required for construction of roads. Furthermore, the said affidavit shall contain clear speakings whether the directions, as made by this Court in the above extracted paragraph, as carried in the verdict (supra), and, as relates to the fact whether in respect of the above referred lands, the authorities concerned, have in terms of the relevant governing statute, proceeded to launch acquisition proceedings, for thereby making determinations of just and fair compensation to the landowners concerned, rather has also become complied with.

5. In addition, if in the said survey/demarcation, as carried by an empowered Revenue Officer concerned, and/or, in the approved DPR some portion of the petitioner's lands are not as such required for being subjected for the relevant public user, thereupon, the responsible public functionary, shall also make a disclosure in the said regard in the affidavit, to be placed on record on the subsequent date of hearing.

6. Since today reply has been filed to the writ petitions, but the said reply does not beget complete compliance to paragraph 26 of the verdict drawn by this Court, on the writ petitions (supra). Therefore, it is not permitted to be taken on record, and, is returned to the learned State counsel. However, for the lapse (supra), on the part of the Officer/Official concerned, to file a comprehensive reply (supra), though an opportunity is granted to file a reply on affidavit, thus in the above terms, but again it is made subject to a cost(s) of Rs.10,000/- to be borne by the errant Officer/Official concerned, of the State of Haryana, and, the same be deposited with the Treasurer of the Punjab and Haryana High Court Bar Association.

7. The DDs concerned, containing the costs amount, as imposed upon the respondent-State are placed today before this Court, but returned to the learned State counsel for the same being deposited before the Mediation and Conciliation Centre, Chandigarh.

8. For the afore purpose, list on 14.9.2023.

9. A photocopy of this order be placed on the file of other connected case(s).

**(SURESHWAR THAKUR)
JUDGE**

01.08.2023
Ithlesh

**(KULDEEP TIWARI)
JUDGE**