

Revised

ITEM NO.13+36 Court 5 (Video Conferencing) 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). 14937/2020

(Arising out of impugned final judgment and order dated 12-10-2020 in CWP No. 22202/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

ADARSH & ANR. Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.127812/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.127813/2020-EXEMPTION FROM FILING O.T. and IA No.127814/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No(s). 15143/2020

(IA No.130195/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.130198/2020-EXEMPTION FROM FILING AFFIDAVIT

Date : 15-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARIFor Petitioner(s) Mr. Sanjeev Kumar Dubey, Adv.
Mr. Rajmangal Kumar, Adv.
Mr. Mr. K. V. Mohan, AORMr. Karan Kapoor, Adv.
Mr. Shubham Bhalla, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RSLP(C) No(s). 14937/2020

The grievance of the petitioners is that the High

Court has not dealt with the factual aspects of the case set out by the petitioners.

In that, the petitioners were relying on the communication dated 19.09.1994 (Annexure P-7) indicating that the petitioners' land came to be released from acquisition, and therefore, it was a case of lapsing of acquisition.

In the first place, if the land is released from acquisition, we fail to understand why the petitioners should approach the High Court for declaration of acquisition as lapsed.

In any case, as the petitioners are relying on official document(s) to buttress the fact that they have not taken compensation nor possession has been taken from them, it is open to them to file review petition before the High Court. That may be appropriate remedy as paragraph 43 of the impugned judgment dealing with the petitioners' case has not adverted to factual matrix or documents relied upon by the petitioners.

All contentions available to the petitioners are left open.

The Review Petition be filed within two weeks from today.

At this stage, learned counsel for the petitioners prays that status quo order be passed. We decline to pass any interim order. It will be open for the petitioners to persuade the High Court to pass appropriate interim order, which be passed in accordance with law.

If the Review Petition is decided against the petitioners, it will be open to the petitioners to challenge the said decision as well as the impugned judgment by way of Special Leave petition before this Court.

The Special Leave Petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

SLP(C) No(s). 15143/2020

Even in this matter, the grievance is about non-consideration of relevant facts on which the petitioners had relied upon to buttress their stand that possession was not taken over by the authorities and compensation had also not been received.

Further, in paragraph 32 dealing with the petitioners' writ petition, the High Court has adverted to writ petition No. 19262 of 2005. However, the

petitioners dispute the correctness of the said position.

In that case, the petitioner is free to file review petition before the High Court, if so advised.

If the Review Petition is decided against the petitioners, it will be open to the petitioners to challenge the said decision as well as the impugned judgment by way of Special Leave petition before this Court.

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)

*Revised is made for the purpose of appearance.