



In the High Court of Punjab and Haryana at Chandigarh

CWP No. 15809 of 2024 (O&M)

Reserved on : 16.7.2024

Date of Decision: 26.07.2024

M/s Karma Lakelands Pvt. Ltd. and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Argued by: Mr. Tripurari Ray, Advocate,
Mr. Atul Wadara, Advocate and
Mr. Ravindra Jain, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J.

1. The petitioners in the instant writ petition are as under:-

1. *M/s Karma Lakelands Pvt. Ltd., Registered Office at 5, Green Avenue, Vasant Kunj, New Delhi-110070. Through its Director, Ashwani Kumar S/o Late Iqbal Chand Khurana R/o 5, Green Avenue, Vasant Kunj, New Delhi-110070, (UID : 8785 5090 3546 Mobile : 9899802448)*

2. *Ashwani Khurana S/o Late Iqbal Chand Khurana, aged about 63 years, Occ. Director of M/s Karma Lakeland Pvt. Ltd. R/o 5, Green Avenue, Vasant Kunj, New Delhi-110070, (UID : 8785 5090 3546 Mobile : 9899802448)”*

2. Undisputedly the writ petitioners purchased the subject lands from the land owners concerned, thus after the issuance of a notification dated 27.8.2004, as became made under Section 4 of the Land Acquisition Act, 1894 (for short ‘the Act of 1894’). A declaration covering the subject lands became issued under Section 6 of the Act of 1894, on 25.8.2005. The



writ petitioners espouse for the hereinafter extracted reliefs becoming passed.

“For issuing an appropriate writ, order or direction in the nature of certiorari quashing the land Acquisition proceedings initiated by a notification under Section 4(i) vide notification No. 32/12/2004-41BI dated 27.8.2004 under the Land Acquisition Act 1894 on the ground that as per the judgment dated 12.3.2018 at Rameshwaar’s case the petitioner is exempted from the aforesaid judgment or in the alternative the same has lapsed under Section 11A of the Land Acquisition Act, 1894.

For issuance of an appropriate writ, order or direction quashing Section 34 of the Land Acquisition Act, 1894 as violative of Article 300-A, read with Article 19(i)(g) and 21 of the Constitution of India.”

3. Before proceeding to test the validity of the raising of the espousals (supra), as become ventilated before this Court, it is deemed imperative to allude to the facts relevant for deciding the said espousals.

(i) On 27.08.2004 Haryana Government, Industries Department issued a Notification under section 4 of the Land Acquisition Act, 1894 ("Act" for short) for acquiring lands measuring about 912 Acres from three villages namely, Manesar, Lakhnoula and Naurangpur, Tehsil and District Gurgaon for setting up Chaudhari Devi Lal Industrial Township, to be planned as an Integrated Complex for residential, recreational and other public purposes.

(ii) Soon after the initiation of acquisition, various sale deeds were executed by the landholders including some of the writ petitioners in favour of certain builders/private entities. Some such builders/private entities who had recently purchased the



lands also preferred objections under Section 5A of the Act.

(iii) This acquisition was subject matter of challenge in number of Writ Petitions filed by the landholders and the subsequent purchasers viz. builders/private entities.

(iv) On 26.02.2005, a report was prepared by Land Acquisition Collector recommending to the State Government that land measuring 224 acres be released from acquisition.

(v) Thereafter, appropriate notification under Section 6 of the Act, 1894 was issued on 25.08.2005 in respect of rest of the land measuring 688 acres.

(vi) Even after the issuance of notification under Section 6 of the Act, the builders/private entities continued approaching the landholders. The landholders were being shown Award Nos. 7, 8, 9, 10 and 12, all passed on 09.03.2006 in respect of adjoining villages for the same purpose namely setting up of Chaudhary Devi Lal Industrial Township, where compensation was awarded @ 12.5 lakhs per acre.

(vii) On 02.08.2007 notices under Section 9 of the Act were issued calling upon the landholders to appear on 26.08.2007 for pronouncement of award. Soon after such notice, the builder/private entities started enhancing the price and bought the lands from the landholders at a price around 80 lakhs per acre.

(viii) On 24.08.2007, the State Government passed an order dropping the acquisition and stating that a fresh notification would be issued in place of the present proceedings.



(ix) Thereafter, licences came to be granted on the lands involved in the acquisition proceedings. Having come to know that the lands under acquisition were now being utilized for private gain by various builders/colonizers, the farmers started agitation against the process adopted by the Governmental machinery.

(x) On 29.01.2010 a decision was taken by the State Government in Industries and Commerce Department to close the acquisition proceedings.

(xi) On 19.12.2011, the Civil Writ Petition No. 23769 of 2011 was filed in the High Court of Punjab and Haryana at Chandigarh by 117 landholders, thereby challenging the entire acquisition proceedings on the ground that landholders were compelled to divest their valuable and fertile land at throwaway prices under the threat of acquisition to certain private builders and then the acquisition was dropped just two days before the date fixed for declaration of award and the same was deliberate and was fraught with malice.

(xii) The writ petition was dismissed by this Hon'ble Court vide the order dated 15.12.2014.

(xiii) Against the decision dated 15.12.2014, landowners approached the Hon'ble Supreme Court of India by filing SLP's and after hearing the parties the Apex Court granted special leave to appeal on 06.10.2015 and continued the interim order granted earlier which was to injunct against any further construction becoming raised on the subject lands.



(xiv) The Hon'ble Court recorded the submission of the Counsel for the State that investigation was entrusted to CBI and directed CBI to place its report before this Court, as and when the investigation was over. An interim report was filed by CBI in March, 2017 and the matter was taken up for hearing.

(xv) Following startling facts came to be revealed in the interim report submitted by CBI:-

- a. About 444 acres 2 kanal 10 marlas of land notified under section 4 of the Land Acquisition Act, 1894 was purchased by the private builders/companies after the date of notification.
- b. most of the companies were incorporated after the acquisition was initiated having no experience in colonization.
- c. at least 60 sale deeds were executed between the issuance of Notifications under Sections 4 and 6 of the Act, four sale deeds were executed on the day the declaration under Section 6 was issued and 50 sale deeds were executed after the issuance of Notification under Section 6 and prior to the dropping of acquisition on 24.08.2007. Thus about 114 sale deeds were executed after the initiation of acquisition and prior to the dropping of acquisition vide decision dated 24.08.2007.

4. When the Hon'ble Apex Court became seized with ***Civil Appeal No. 8788 of 2015*** titled as ***Rameshwar and others versus State of Haryana and others***, the hereinafter extracted issues became formulated for



answers becoming meted theretos.

(a) Whether the transactions entered into between the landholders and the concerned builders/private entities in the present case could be said to be voluntary and free from any influence.

(b) Whether the decisions on part of the state machinery arrived at on 24.08.2007 and 29.01.2010 could be said to be guided by considerations other than those for which the power was conferred; or in other words: was there a fraud on power.

5. The relevant paragraphs, as embodied in the verdict (supra) made by the Apex Court become carried in paragraphs 31 to 33, paras whereof become extracted hereinafter.

“31. If we consider the established or crystallized facets of the matter as stated above, in the light of the principles emerging from the decisions rendered by this Court, in our considered view the decisions dated 24.08.2007 and 29.01.2010 were taken to confer advantages and benefits upon the builders/private entities rather than to carry out or effectuate public purpose. The record indicates that various entities including certain “middlemen” cornered unnatural gains and walked away with huge profits taking the entire process of acquisition for a ride. Substantial sums have exchanged hands in the form of settlement money. All the steps and stages show that the builders/private entities were well aware that the acquisition would not go through but the landholders were confronted with the smoke screen of acquisition and were cornered and persuaded in entering into transactions with the builders/private entities. The transactions so entered into between the landholders and the concerned builders/private entities could not be said to be voluntary and free from any influence. The unnatural and unreasonable bargain was forced upon the landholders by creating façade of impending acquisition. Public Interest was not the underlying concern or



objective behind those decisions dated 24.08.2007 and 29.01.2010 but the motive was to confer undue advantage on the builders/private entities. It is clear that considerations other than those which were required to be bestowed, guided the exercise of power in arriving at decisions dated 24.08.2007 and 29.01.2010. The inescapable conclusion, therefore, is that there was an unholy nexus between the governmental machinery and the builders/private entities in devising a modality to deprive the innocent and gullible landholders of their holdings and jeopardize public interest which the acquisition was intended to achieve. Mr. Dhruv Mehta, learned Senior Advocate is right in his submission that the entire mechanism was deliberately employed so that gullible landholders could be deprived of their holdings by a set of builders/private entities and after having seen that the desired result was achieved, the acquisition was dropped and later completely withdrawn. The decisions on the part of the State arrived at on 24.08.2007 and 29.01.2010 were clearly a result of fraud on power and cannot be said to be bona fide exercise of power. In our view, the initiation of class action and filing of Writ Petition in the present matter was perfectly justified and we reject all the submissions made by the learned Counsel appearing for various builders/private entities.

32. We thus hold that:-

(a) *The transactions entered into between the landholders and the concerned builders/private entities in the present case were not voluntary and were brought about by fraudulent influence. Certain 'middlemen' and builders enriched themselves at the expense of the landholders and public interest which was to be achieved by acquisition.*

(b) *The decisions dated 24.08.2007 and 29.01.2010 as well as entertaining of applications for grant of licence from those who had bought the lands after the acquisition was initiated, were not bona fide exercise of power by the State*



machinery. The exercise of power under the Act was guided by considerations extraneous to the provisions of the Act and as a matter of fact, was designed to enrich the builders/private entities. These decisions were nothing but fraud on power.

33. *Having so found that the exercise of power in arriving at decisions dated 24.08.2007 and 29.01.2010 as well as entertaining of applications for licence from those who had bought the lands after the acquisition was initiated, to be fraud on power; we now have to consider what relief be granted in the present matter. The relief to be granted must depend upon who the real victim is and to what extent solace can be granted to such real victim. If the landholders are considered to be the real victim, Mr. Dhruv Mehta, learned Senior Advocate is absolutely right in his submissions. If the result of forcing land holders to enter into unnatural and unreasonable bargain was achieved by wrongful utilization of the power conferred under the Act, in its writ jurisdiction a superior court would be justified in granting the relief of invalidating such transaction as a consequential relief, while holding the State action to be bad and invalid. The law laid down by this Court is quite clear and the objection that instead of a class action in the realm of public law, each individual land holder must make good his submissions on individual facts and seek relief of annulment of transaction entered into by him has to be rejected. To the extent the unnatural and unreasonable bargain was forced upon the landholders, there would be justification in granting such relief. But in the circumstances, the public interest which the acquisition was intended to achieve will never be subserved. It is nobody's case that public interest was adequately achieved and therefore the acquisition was required to be dropped. The fact that other acquisitions have been completed and have attained the required objective is a pointer in the direction that there was nothing wrong with the initiation but somewhere along while the process was on, it was completely*



hijacked by vested interests. We cannot, therefore, grant mere declaration invalidating the transaction and grant relief of restoring status ante. The real and substantial relief would be in restoring the situation where the process of acquisition is made free from such supervening vested interests and is enabled to achieve the objective that the acquisition was intended to sub-serve.”

6. Moreover, the conclusions which became ultimately recorded by the Apex Court, are carried in paragraphs 39 of the verbatim (supra), para whereof becomes extracted hereinafter.

“39. Having bestowed our attention to various competing elements and issues we deem it appropriate to direct:

(a) The decisions dated 24.08.2007 and 29.01.2010 referred to hereinabove are set aside as being brought about by mala fide exercise of power. In our considered view, those decisions were clear case of fraud on power and as such are annulled.

(b) The decision dated 24.08.2007 was taken when the matters were already posted for pronouncement of the award on 26.08.2007. Since all the antecedent stages and steps prior thereto were properly and validly undertaken, and since the decision dated 24.08.2007 has been held by us to be an exercise of fraud on power, it is directed that an Award is deemed to have been passed on 26.08.2007 in respect of lands (i) which were covered by declaration under [Section 6](#) in the present case and (ii) which were transferred by the landholders during the period 27.08.2004 till 29.01.2010. The lands which were not transferred by the landholders during the period from 27.08.2004 till 29.01.2010 are not governed by these directions.

(c) Subject to the directions issued hereafter, the lands covered under aforementioned direction (b) shall vest in the HUDA/HSIDC, as may be directed by the State of Haryana, free from all encumbrances. HUDA/HSIDC may forthwith take possession thereof. Consequently all licences granted in respect of lands covered by the deemed Award dated 26.08.2007 will stand transferred to HUDA/HSIDC.

(d) Since the dropping of acquisition on 24.08.2007 and subsequent decision dated 29.01.2010 have been set aside, the period between 24.08.2007 and upto the date of this judgment shall not be counted for the purposes of [Section 24\(2\)](#) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



(e) All transactions entered into during the period from 24.08.2007 till 29.01.2010, pursuant to which the original landholders transferred their holdings in favour of builders/private entities or third parties shall be subject to and the interest of the respective parties shall be governed by the directions issued hereafter.

(f) Consistent with directions issued in [Para 33 of Uddar Gagan](#) (Supra), the builders/private entities will not be entitled to recover the consideration paid by them to the landholders. The sale consideration paid by the builders/private entities to the landholders shall be treated towards compensation under the award and the landholders will not be required to refund any amount to such builders/private entities. The landholders will be at liberty to prefer Reference under [Section 18](#) of the Act within a period of three months from today. For the purposes of maintaining such Reference the reasoning that weighed while passing Awards dated 09.03.2006 and 24.02.2007 shall be the basis. If the Reference Court were to enhance the compensation, the amounts received by the landholders by way of consideration from the builders/private entities shall be appropriated towards such sum awarded by the Reference Court. If the landholders are still entitled to something more than what they had received from the builders/private entities, the differential sum shall be made over to them by the State of Haryana towards acquisition of their interest in the lands in question. If however, what the landholders had received towards consideration from the builders/private entities is found to be in excess of what is awarded by the Reference Court, the remainder shall not be recovered from them.

(g) Consistent with the directions issued by this Court in Paragraphs 33.6 and 33.7 in [Uddar Gagan](#) (supra), the builders/private entities will be entitled to refund/reimbursement of any payment made to the landholders or the amounts that had been spent on development of the land, such payments shall be made by HUDA or HSIDC on being satisfied about the extent of actual expenditure not exceeding HUDA or HSIDC norms on the subject as the case may be. Refund will however be in respect of amount at which the landholders sold the land and not of subsequent sales. As regards subsequent transactions, the subsequent purchasers will have remedies against their respective vendors. Claims of builders/private entities entitled to refund will be taken up after settling claims of third parties from whom the builders/private entities had collected monies. No interest will be payable on such amounts.

(h) The third parties from whom money had been collected by the builder/private entities will either be entitled to refund of the amount from and out of and to the extent of the amount payable to the builder/private entities in terms of above direction, available with the State, on their claims being



verified or will be allotted the plots or apartments at the agreed price or prevalent price, whichever is higher. Every such claim shall be verified by HUDA or HSIDC. In cases where, constructions have been erected and the entire project is complete or is nearing completion, upon acceptance of the claim, the plots or apartments shall be made over to the respective claimants on the same terms and conditions. Except for such verified and accepted claims, the remaining area or apartments will be completely at the disposal of HUDA or HSIDC, as the case may be, which shall be free and competent to dispose of the same in accordance with the prevalent policy and procedure.

In order to facilitate such exercise all third parties who had purchased or had been allotted the plots or apartments shall prefer claims within one month from today, which claim shall be verified within two months from today.

(i) As found by us in the preceding paragraphs, substantial sums were made over to “middle men”. In the pending investigation, the CBI may do well to unravel the truth. In any case, such hefty sums which were made over to “middle men” cannot be said to be rightfully earned by and belonging to them. In fact, this actually represents the return for being able to garner the lands in question and getting requisite licences under the provisions of the Haryana Act and a benefit derived out of fraud on power. In our view this money rightfully belongs to the State and none other. We direct the authorities of the State as well as the Central Government to reach the depths of such transactions and recover every single pie and make it over to the State Government. A complete investigation in the transactions including unearthing unnatural gains received by “middle men” shall be undertaken by the CBI.

(j) If CBI has filed charge sheet before the concerned Court, the same may be dealt with as per law.

(k) The State shall give benefit of “Rehabilitation and Resettlement of Land Acquisition Oustees” policy of the State/HUDA/HSIDC to the landholders. Area so required shall be reserved out of the acquired land itself.

(l) The State may revisit its policy of change of land use and giving colonization licence in respect of land which is subject matter of acquisition.

(m) We are given to understand that a Commission of Enquiry was appointed by the State of Haryana to enquire into certain facts concerning acquisitions in respect of lands in Gurgaon Manesar Urban Complex and that the matter is presently subject matter of challenge in a pending writ petition in the High Court of Punjab and Haryana on account of which further steps are held up. Without expressing any opinion on the merits or demerits of such challenge, we request the High Court to deal with and dispose of the matter as early as possible and preferably within two months from the date of receipt of a copy of this order so that public interest may not



suffer by delay in such decision.”

7. A reading of the above extracted conclusions, as carried in paragraph 39 of the verdict (supra) made by the Apex Court, unfold that-

(i) the decisions respectively made on 24.8.2007 and on 29.1.2010 by the State Government whereby, the acquisition proceedings, as became launched under the Act of 1894, thus became dropped, rather became quashed and set aside. The said conclusion became banked on the ground, that the said decisions were made *sub coloris officio*.

(ii) In consequence, any transfer of the subject lands by the land owners, thus to the builders/realtors concerned, rather during the interregnum commencing from 27.8.2004, and, lasting till 29.1.2010, were hence declared to be vitiated transactions. Moreover, the Apex Court declared that an award in terms of Section 11 of the said Act, is deemed to have been passed, on 26.8.2007, in respect of those lands in respect whereof, through the decisions respectively made on 24.8.2007 and 29.1.2010, the launched acquisition proceedings were untenably dropped.

8. Now conspicuously given that the decisions (supra) were declared to be vitiated, on the trite underpinnings, that they were made *sub coloris officio*, besides since the present petitioners purchased the subject lands, from the land owners concerned, during the interdicted interregnum from 27.8.2004 till 29.1.2010. Resultantly, when the execution of the conveyance deeds in respect of the subject lands, thus became covered within the said interdicted interregnum, thereby they are to be also, as such



amenable to become declared to be vitiated, especially when the decisions made by the State Government on 24.8.2007 and on 29.1.2010, whereby thus the previously launched proceedings, became dropped, rather became declared to be non est.

9. In sequel, when undisputedly, the purchases made by the present petitioners from the land losers concerned, thus occurred in the said barred interregnum, thereby the present petitioners rather have no locus standi to challenge the acquisitions, as became launched in respect of the subject lands. The reason for forming the above conclusion becomes further strengthened from the factum, that after the Apex Court declaring the purchases made during the barred interregnum (supra) to be vitiated, the Apex Court also declared that an award is deemed to have been passed on 26.8.2007, whereafter, it proceeded to make a further direction, that thereby the subject lands shall vest in HUDA/HSIDC, or as may be permitted by the State of Haryana, thus free from all encumbrances. Moreover, when it was also directed that HUDA/HSIDC may forthwith take possession thereof. In addition, since the Apex Court also pronounced upon the inconsequentiality of all licences granted in respect of the apposite subject lands, but obviously including the present subject lands, rather on the premise, that they become covered by the deemed award made by the Apex Court. Therefore, the natural corollary thereof, but is, that the present petitioners have no locus standi to challenge the acquisition proceedings, as became launched by the State, especially when the Apex Court has validated the launching of the acquisition proceedings, thus after annulling the decision(s) (supra), as made by the State Government, whereby the latter had taken to drop the launched acquisition proceedings vis-a-vis the subject lands. In sequel, when the



verdict (supra) made by the Apex Court, when thus also covers the subject lands, thereupon the said made verdict but obviously cannot be revaluated by this Court, on the trite ground, that it has a binding and conclusive effect even vis-a-vis the subject lands.

10. Though the learned counsel for the petitioners has vehemently argued, that since the present petitioners are not arrayed as party in the Civil Appeal (supra), whereons, the decision became rendered on 12.3.2018. However, even the said made submission is rudderless. The reason for making the above conclusion becomes garnered from the factum, that neither the non-impleadment of the petitioners in the Civil Appeal (supra), rather is of any legal efficacy, nor the learned counsel for the petitioners can well espouse before this Court, that therebys the present petitioners have been condemned unheard, nor he can espouse that any breach becomes caused to the norm of *audi alteram partem*. The reason for forming so, is firmly grooved in the factum, that given the above alluded conclusion, as made by the Apex Court, when but loudly speaks about the interdicted relevant period, thus covering also the subject lands. Resultantly therebys the effect, if any, qua non-impleadment of the present petitioners in the said civil appeal, besides the factum of the present petitioners not being heard in the Civil Appeal (supra), rather does not in the least detract, from the binding and conclusive verdict (supra) made thereons by the Apex Court, wherebys the sale transactions, which occurred during the period 24.8.2007 and 29.1.2010, have been declared to be non est, predominantly when the purchases made by the present petitioners of the subject lands were also made during the said barred period.

11. Furthermore therebys, the verdict made by the Apex Court in



the Civil Appeal (supra), thus with the above conclusions becomes a *judgment in rem*. In sequel, when therebys it is not a *judgment in personam*. As such, when only in respect of any *judgment in personam*, as made by Courts of law, the aggrieved present petitioners could agitate, that the principles of natural justice have been violated. Resultantly, when ex-facie the directions made by the Apex Court in the Civil Appeal (supra), are enclosed in a judgment in rem, therebys when they also cover the subject lands, therefore, the present petitioners become estopped from canvassing, that since they were not impleaded as party therein, therebys they have been condemned unheard.

12. Though the learned counsel for the petitioners has argued, that the acquisition proceedings, as became launched in respect of the subject lands are violative of the Article 300-A of the Constitution of India, and, also espouses that Section 34 of the Act of 1894 is also ultra vires to the mandate enclosed in Article 300-A of the Constitution of India. However, even the said made submissions are not required to become validated, as therebys this Court would be impermissibly revaluating the verdict (supra) made by the Apex Court in the Civil Appeal (supra). Importantly when the said issues were not raised in the Civil Appeal (supra) by the respondents arrayed therein, therebys too, when the above espousals were permissible to be made only before the Apex Court, and, rather not before this Court. Consequently, the omission on the part of the respondents in the Civil Appeal (supra), to raise the said pleas also likewise bars the present petitioners, who though were not impleaded as party therein, but since prima facie, their interest in the said appeal became vicariously represented by other aggrieved respondents, who became impleaded therein, who,



however, evidently did not choose to raise the said pleas therein. Resultantly, also thereby the espousals (supra) are completely barred from being raised before this Court. Predominantly also when for all the above stated reasons, the petitioners have no locus standi to challenge the acquisition proceedings, thus on the ground that since the purchases of the subject lands were made in the period (supra), thereby when resultantly, the said purchases of the subject lands become vitiated. Reiteratedly there is a complete lack of locus standi inhering in the present petitioners, thus to make any valid challenge vis-a-vis the said binding and clinching conclusion (supra), whereby the sale transactions made in the apposite barred period, as are the sales made of the subject lands, rather became declared to be vitiated sale transactions.

13. Though, the learned counsel for the petitioners has argued, that no award has been passed in terms of Section 11 of the Act of 1894, thereby for want of making of the said award, the acquisition proceedings be declared to become lapsed. However, even the said argument is ridden with a legal efficacy, thus on the ground that in the relevant paragraph (supra), the Apex Court has categorically stated, that the award in respect of the subject lands is deemed to have been passed on 26.8.2007. As such, when thereby the Apex Court has made the said declaration, therefore, the above espousal becomes completely unhinged vis-a-vis its vigour. Moreover, the strength of the said espousal also becomes unhinged on the ground, that the present petitioners have no locus standi to institute the instant writ petition. Locus standi, if any, to claim any relief for enhancement of compensation over and above the one as enclosed in the deemed award, rather only vested in the land losers concerned, and, did not



vest in the present petitioners, who made tainted and colorable purchases of the subject lands.

14. Preeminently also, the institution of the present petition is rather an abuse of the process of law. The reason for forming the above conclusion stems from the factum, that the present petitioners, thus post the making of the decision (supra), by the Apex Court in the Civil Appeal (supra), had filed Writ Petition (Civil) No. 688 of 2023, before the Apex Court, claiming therein the granting of reliefs similar to the one, as espoused in the present petition. However, as revealed by the signed synopsis placed on record by the learned State counsel, the said petition became dismissed on 17.7.2023, but with a liberty to avail appropriate legal remedy before the appropriate forum, in accordance with law. However, since the above fact has been suppressed from this Court, thereby the petitioners have actively practiced the vices of *suggestio falsi and suppressio veri*, thereby the petitioners are declared to come to this Court with soiled hands, whereby this Court refuses to exercise any equity in favour of the present petitioners. Moreover, the only liberty, as became granted to the petitioners, in the order passed on the Writ Petition (supra), as became filed by the petitioners before the Apex Court, post the makings of decision (supra) by the Apex Court in Civil Appeal (supra), is to avail appropriate legal remedy, before the appropriate forum, in accordance with law. Therefore, obviously when the Apex Court did not explicitly reserve any liberty to the petitioners to access this Court through the filing of the present writ petition, thereby also the instant writ petition is a gross abuse of process of law.

Final Order

15. In aftermath, this Court finds no merit in the instant petition,



and, is constrained to dismiss it. Accordingly, the instant petition is dismissed, but with exemplary costs comprised in a sum of Rs. One lac. The said costs be forthwith deposited with the *Punjab and Haryana High Court Employees Welfare Association*.

16. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 26, 2024
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No