

CWP no. 12031 of 2004 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 12031 of 2004 (O&M)
Date of Decision : 28.03.2019

Smt. Prem Rathee and others

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr. H.S.Hooda, Sr. Advocate with
Mr. Vir Vikram, Advocate for the petitioner(s)

Mr. Ankur Mittal, Addl. AG, Haryana

MAHESH GROVER, J.(ORAL)

While disposing of the Civil Appeal Nos.4264-4265 of 2012
titled as **'Prem Rathee and others vs. Union of India and others'** on
23.1.2017, the Hon'ble Supreme Court observed as follows:-

“1. In these appeals, the primary
submission raised on behalf of the appellants is,
that the controversy has been decided through the
impugned orders, by placing reliance on the
decision in Lakhmi Chand and others vs. State of
Haryana and others, 2008(2) Vol.150 PLR 90
(CWP No.9281 of 2004, decided on 11.2.2008). It

was submitted, that the above judgment was rendered by placing reliance on the decision of this Court in Anand Buttons Ltd. vs. State of Haryana and others, AIR 2005 SC 565. It is also the contention of the learned counsel for the appellants, that the decision rendered in Anand Buttons' case (supra) has since been overruled by this Court on 11.2.2010 in Hari Ram and another vs. State of Haryana and others, (2010) 3 SCC 621.

2. Based on the aforesaid factual/legal position, which is not disputed by Mr. P.S.Patwalia, learned Additional Solicitor General representing the Union of India, and Mr. D.N.Goburdhan, learned counsel representing the National Capital Region Planning Board (respondent No.2 herein), we are of the view, that the instant appeals deserve to be disposed of by setting aside the impugned orders, and remanding the matter back to the High Court, for adjudication in consonance with the decision rendered by this Court in Hari Ram's case (supra). Ordered accordingly.

3. The instant appeals are disposed of, in the above terms.

4. As a sequel to the above, pending interlocutory applications also stand

disposed of.”

In view of above when the parties to the dispute had agreed that the controversy was covered by the ratio of 'Hari Ram and another vs. State of Haryana and others, (2010) 3 SCC 621', we would dispose of the instant petition in the same terms, particularly, when three Division Benches of this Court in cases tilted as '**Lakhmi Chand and others vs. State of Haryana and another**' (CWP No.9281 of 2004 decided on 11.2.2008), '**Reshma Footwears (P) Ltd. vs. State of Haryana and others**' (CWP No.2308 of 2004 decided on 21.6.2010) and '**Lehri Singh and others vs. Union of India and others**' (CWP no.11412 of 2004 decided on 25.8.2011) have passed orders to the same effect. It is also to be noticed that SLP against these judgments have been dismissed.

Disposed of.

(Mahesh Grover)
Judge

(Lalit Batra)
Judge

28.03.2019
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No