

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP-10013-2013 (O&M)
Date of decision: 22.1.2020

M/s Sarv Sachin Industries

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: None for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana.

RAJAN GUPTA, J. (Oral)

Learned State counsel has drawn our attention to the order passed in Civil Appeal No.4306 of 2018 by Hon'ble Supreme Court. Para 6 thereof reads as under : -

“6. In the aforesaid facts we are of the view that it will be just and proper to set aside the order of the High Court and allow this appeal and direct that the case of the appellant be reconsidered in the light of the directions contained in paragraph 52 of the aforesaid judgment dated 29th November, 2013. We order accordingly.”

According to him, the matter thereafter came up before this Court on 26.11.2018 wherein following order was passed : -

“This writ petition was disposed of on 09.05.2013 negating the challenge to notifications altogether. However, a Coordinate

Bench had taken a different view and when the matter went before the Hon'ble Supreme Court, it directed the claim of the petitioner to be considered in terms of para 52 of the decision rendered in CWP No.14340 of 2011, decided on 29.11.2013.

The said paragraph is extracted herebelow :-

“[52] For the reasons afore-stated, the 'public purpose' of the acquisition being a salutary step towards the regulated industrialisation of the State is upheld. However, the denial of benefit of Government Policy for the release of different types of land or properties from acquisition to other landowners including the petitioners only on the plea of non-submission of objections under Section 5-A is declared illegal and annulled. Similarly, in rest of the cases, the claim of parity if made out, would also require reconsideration. The respondents are consequently directed to depute the Officers' team to visit the entire area under acquisition and consider the desirability of releasing those land or properties [including of the petitioners] which fulfill the criteria of the Government Policy then applicable. The Officers' Committee shall be at liberty to invite fresh claims in this regard but only those buildings/structures shall be considered for exemption which were in existence at the time of issue of Section 4 notification. The exercise in this regard shall be completed within a period of three months and till then status-quo with regard to the

existing structures shall be maintained.”

There is no representation on behalf of the petitioner. Even on the previous date of hearing there was no representation on his behalf.

If we peruse the afore-extracted observations in terms of which the claim of the petitioner has now to be considered, it makes it obligatory for his case to be considered by the Officers' team by visiting the entire area under acquisition and consider the desirability of releasing those land or properties including that of the petitioner, which fulfill the criteria of the Government Policy. We notice from the observations that the Officers' Committee has been given the liberty to invite fresh claims in this regard but only those buildings/structures shall be considered for exemption which were in existence at the time of issue of Section 4 notification. The exercise in this regard was required to be completed within three months and status quo was ordered to be maintained till then. This order was passed on 29.11.2013 and the directions of the Supreme Court have been given on 24.04.2018.

We are thus of the opinion that the order that we have passed today be communicated to the State of Haryana to enable it to respond to the concerns noticed above.

Adjourned to 20.02.2019.”

According to him, the entire exercise has been completed by the officer's team and a speaking order has been passed in light of directions given by the Hon'ble Supreme Court in Sarv Sachin Industries' case (supra).

A copy of order dated 15.7.2019 has been placed on record.

The aforesaid contention remains uncontroverted as the petitioner remains unrepresented. Similar was the situation on the last four dates of hearing, i.e., 30.7.2018, 26.11.2018, 20.2.2019 and 29.10.2019.

In view of the above, we are of the considered view that no cause of action survives in this petition. Same is hereby dismissed. Petitioner, however, shall be at liberty to seek revival of the petition in case any grouse subsists.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

January 22, 2020

Paritosh Kumar

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