

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121+274) CWP-4583-2022
Date of Decision : April 28, 2023

Chitranjan Kumar (deceased) through LR .. Petitioner

Versus

Union of India and others .. Respondents

(2) CWP-30771-2019

Amritpal Kaur and another .. Petitioners

Versus

Union of India and others .. Respondents

(3) CWP-2025-2021

Daljit Singh and another .. Petitioners

Versus

Union of India and others .. Respondents

(4) CWP-2031-2021

Shiv Singh .. Petitioner

Versus

Union of India and others .. Respondents

(5) CWP-2032-2021

Gurdeep Kaur .. Petitioner

Versus

Union of India and others .. Respondents

(6)	CWP-208-2020	
Jaswinder Kaur		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(7)	CWP-226-2020	
Naranjan Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(8)	CWP-2352-2020	
Avtar Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(9)	CWP-2424-2020	
Paramjit Singh and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(10)	CWP-2521-2021	
Davinder Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(11)	CWP-2522-2021	
Lakhvir Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents

(12)	CWP-2523-2021	
Charanjit Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(13)	CWP-2524-2021	
Surjit Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(14)	CWP-259-2020	
Gurdial Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(15)	CWP-30099-2019	
Manjit Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(16)	CWP-30100-2019	
Ravinder Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(17)	CWP-30110-2019	
Vijay Kumar and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents

(18)	CWP-30319-2019	
Prem Lal and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(19)	CWP-30776-2019	
Rajinder Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(20)	CWP-30846-2019	
Jhima Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(21)	CWP-30898-2019	
Inderjit Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(22)	CWP-4631-2022	
Sharda (deceased) through LR Monika Surma		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(23)	CWP-4667-2022	
Gurdhian Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents

(24)	CWP-4668-2022	
Surinder Kaur		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(25)	CWP-4669-2022	
Jasvir Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(26)	CWP-4672-2022	
Anrik Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(27)	CWP-6309-2020	
Sarwan Singh and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(28)	CWP-28261-2018	
Gurpreet Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(29)	CWP-28301-2018	
Gurpreet Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents

(30)	CWP-10676-2019	
Kuldeep Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(31)	CWP-10696-2019	
Rajesh Kumar and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(32)	CWP-12713-2019	
Piara Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(33)	CWP-25061-2019	
Parkaso and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(34)	CWP-25249-2019	
Rajesh Kumar and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(35)	CWP-30242-2019	
Guranhat Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents

(36)	CWP-30931-2019	
Mukesh Kumar		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(37)	CWP-36727-2019 (O&M)	
Tarsem Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(38)	CWP-6317-2020	
Mehnga Singh and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(39)	CWP-8754-2021	
Parbodh Raj and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(40)	CWP-19378-2022	
Mangwinder Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(41)	CWP-20339-2022	
Sukhdev Singh and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents

(42) CWP-20370-2022

Mukhwinder Singh and others .. Petitioners

Versus

Union of India and others .. Respondents

(43) CWP-20448-2022

Nirmal Kaur .. Petitioner

Versus

Union of India and others .. Respondents

(44) CWP-20498-2022

Pratap Singh and others .. Petitioners

Versus

Union of India and others .. Respondents

(45) CWP-20503-2022

Jasbir Singh .. Petitioner

Versus

Union of India and others .. Respondents

(46) CWP-29366-2022 (O&M)

Tajinder Kaur and another .. Petitioners

Versus

Union of India and others .. Respondents

(47) CWP-29371-2022 (O&M)

Daljit Kaur .. **Petitioner**

Versus

Union of India and others .. Respondents

(48)	CWP-29741-2022 (O&M)	
Ram Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(49)	CWP-29776-2022 (O&M)	
Dilbagh Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(50)	CWP-29773-2022 (O&M)	
Davinder Kaur		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(51)	CWP-111-2023	
Rajwinder Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(52)	CWP-30042-2022	
Lovepreet Singh (since deceased) through his Legal Heir (Mother) Paramjit Kaur		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(53)	CWP-30152-2022	
Sat Pal Bedi		.. Petitioner
	Versus	
Union of India and others		.. Respondents

(54)	CWP-29989-2022	
Raj Kumar and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(55)	CWP-3157-2023	
Dalbir Kaur and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(56)	CWP-9143-2022	
Paramjit Singh and another		.. Petitioners
	Versus	
Union of India and others		.. Respondents
(57)	CWP-22724-2022 (O&M)	
Harbans Singh		.. Petitioner
	Versus	
Govt. of India and others		.. Respondents
(58)	CWP-22840-2022	
Mangwinder Singh		.. Petitioner
	Versus	
Union of India and others		.. Respondents
(59)	CWP-22842-2022	
Sukhdev Singh and others		.. Petitioners
	Versus	
Union of India and others		.. Respondents

(60) CWP-23115-2022 (O&M)

Ranjit Kaur and others .. **Petitioners**

Versus

Union of India and others **.. Respondents**

(61) CWP-3000-2023

Shamsher Singh .. Petitioner

Versus

Union of India and others .. Respondents

(62) CWP-3009-2023 (O&M)

Baljinder Singh and others .. Petitioners

Versus

Union of India and others .. Respondents

(63) CWP-23139-2022 (O&M)

Sukhdev Singh and others .. **Petitioners**

Versus

Union of India and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satbir Rathore, Advocate,
for the petitioner(s) in
CWP Nos. 4583, 4631, 4667, 4668, 4669, 4672
and 23115 of 2022,
CWP Nos. 30771, 30099, 30100, 30110, 30319, 30776,
30846, 30898, 30242 and 30931 of 2019,
CWP Nos. 208, 226, 2352, 2424, 259, 6309 and 6317 of 2020,
CWP Nos. 2025, 2031, 2032, 2521, 2522, 2523, 2524 and
8754 of 2021.

Mr. Raj Karan Singh Verka, Advocate,
for the petitioner(s)

in CWP Nos.28261 and 28301 of 2018,
CWP Nos. 10676, 10696, 12713, 25249 and 36727 of 2019,
CWP Nos. 19378, 20339, 20370, 20448, 20498, 20503, 29366,
29371, 29741, 29776, 29773, 30042, 30152, 29989, 22840,
22842 and 23139 of 2022,
CWP Nos. 3157, 3000 and 3009 of 2023.

Mr. Raj Kumar Rathore, Advocate, for the petitioners
in CWP No.25061 of 2019.

Mr. Navjot Singh, Advocate, for the petitioners
in CWP No.22724 of 2022.

Mr. Mridul Sharma, Advocate, for the petitioners
in CWP No.111 of 2022.

Mr. Ranjit Saini, Advocate, with
Mr. Vikram Rathore, Advocate, for the petitioners
in CWP No.9143 of 2022.

Mr. Abhilaksh Gaind, Advocate, and
Mr. Rakesh Roy, Advocate, for the respondent-NHAI
in CWP Nos. 4583, 4631, 4667, 4668, 4669, 4672, 19378,
20339, 20370, 20448, 20498, 20503, 29366, 29371, 29741,
29773, 29776, 29989, 30042, 30152, 9143, 22724, 22840,
23139, 22842 and 23115 of 2022,
in CWP Nos.2521, 2522, 2523, 2524 and 8754 of 2021,
in CWP Nos.3157, 111, 3000 and 3009 of 2023.

Mr. R.S. Madan, Advocate and
Mr. Mahender Joshi, Advocate and
Ms. Nanvi Gupta, Advocate, for respondent-NHAI
in CWP Nos.30771, 30100, 30110, 30099, 30898, 30319,
30846, 30776, 30242 and 25061 of 2019,
in CWP Nos. 2424, 6309, 226, 2352, 208, 259 and
6317 of 2020,
in CWP Nos. 2032, 2025, 2523 and 2031 of 2021.

Mr. Rism Kaushal, Advocate, for respondents No. 1 and 2
in CWP No.30931 of 2019.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-5787-CWP-2023 in CWP-22724-2022

CM-5745-CWP-2023 in CWP-23139-2022

CM-5722-CWP-2023 in CWP-23115-2022

CM-5746-CWP-2023 in CWP-3009-2023

CM-5808-CWP-2023 in CWP-36727-2019

CM-5744-CWP-2023 in CWP-29366-2022

CM-5791-CWP-2023 in CWP-29371-2022

CM-5723-CWP-2023 in CWP-29741-2022

CM-5724-CWP-2023 in CWP-29773-2022

CM-5731-CWP-2023 in CWP-29776-2022

As prayed for, the applications are allowed.

Written statements on behalf of respondent No.3 are taken on record.

CWP-4583-2022 and other connected cases

By this common order, 63 writ petitions, the details of which have been given in the heading of the order, are being disposed of as all the petitions involve the same question of law on similar facts.

Learned counsel for the parties concede a fact that the question of law raised in the present Bunch of petitions is covered by the decision of the Division Bench of this Court in ***LPA No.4965 of 2018 titled as National Highway Authority of India vs. Resham Singh and others and other connected cases, decided on 12.04.2023.***

Learned counsel for the petitioners submit that the present petitions be also disposed of in same terms and conditions.

Learned counsel for the respondents submits that though question raised in these petitions is covered by the decision of the Division Bench of this Court in ***Resham Singh's case (supra)*** but the Department intends to file Special Leave Petition before the Hon'ble Supreme Court of India impugning the judgment of the Division Bench of this Court in ***Resham Singh's case (supra)*** hence, the present petitions may kindly be adjourned as as to avoid multiplicity of litigation or in the alternative, the petitioners should undertake before this Court that in case the judgment of the Division Bench of this Court in ***Resham Singh's case (supra)*** dated ***12.04.2023*** is either stayed or modified in any manner by the Hon'ble

Supreme Court of India, the same will be applicable even upon the petitioners ipso facto.

Learned counsel for the petitioners submits that the petitioners undertake that in case, the judgment of the Division Bench of this Court in ***Resham Singh's case (supra)*** is either stayed or modified by the Hon'ble Supreme Court of India, the said interim order or the modification of the judgment in ***Resham Singh's case (supra)*** by the Hon'ble Supreme Court of India, will be acceptable to them and they will only claim the benefits of the said modified judgment, if any and will not raise any objection.

Keeping in view the agreement between the parties, as the question of law raised in the present petitions has already been decided by the Division Bench of this Court while passing order in ***Resham Singh's case (supra)***, the present bunch of petitions are also disposed of in same terms with the clear indication that as undertaken by the learned counsel for the petitioners, in case the judgment in ***Resham Singh's case (supra)*** is stayed or modified in any manner by the Hon'ble Supreme Court of India, any interim order or modification of the judgment in ***Resham Singh's case (supra)*** by the Hon'ble Supreme Court of India will ipso facto applicable upon the petitioners.

April 28, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No