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CWP-24641-2017(O&M) with connected matters

DINESH KUMAR & ORS V/S STATE OF HARYANA & ORS

Present: Mr. Sanjiv Gupta, Advocate for the petitioner(s) (in CWP Nos.24641 of 2017, 2010, 6673, 9277, 2019, 11609, 1285 of 2018, and, 3101, 20499 of 2022).

Mr. Sanjiv Gupta, Advocate with
Mr. Vikas Singh, Advocate
for the petitioner (in CWP-2046-2018).

Mr. R.S. Malik, Advocate
for the petitioner(s) (in CWP No.2507 of 2020, 6612, 32573,
and, 33188 of 2019).

Mr. Sawan Choudhary, Advocate
for the petitioner (in CWP-17845-2018)

Mr. Pankaj Bali, Advocate
for the petitioners (in CWP-13892-2020).

Mr. R.S. Kundu, Advocate with
Mr. Anshul Chahal, Advocate
for the petitioner in CWP-13259-2019.

Mr. Gunjeet Brar, Advocate
for the applicant in CM-9358-2023.

Mr. P.P. Chahar, Sr. DAG, Haryana with
Mr. Parveen Mehta, DAG, Haryana.

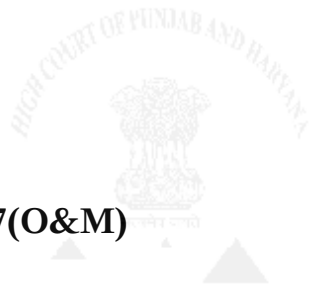
Mr. K.K. Jund, Advocate
for the respondent No.1- U.O.I. (in CWP-13892-2020).

Mr. D.K. Singal, Advocate
for the respondent No.2 (in CWP No.24641 of 2017).

Mr. Anil Dutt, Advocate
for the respondent No.5 (in CWP Nos.2046 of 2018 and
2019 of 2018)

Ms. Sumitra, Advocate for
Mr. Vikram Singh, Advocate
for the respondents No.6 to 37 (in CWP No.2010 of 2018).

Mr. Jugansh Goyal, Advocate for
Mr. Denesh Goyal, Advocate
for the applicants-respondents No.8 to 16
(in CM-5027-CWP-2023 in CWP-13259-2019).



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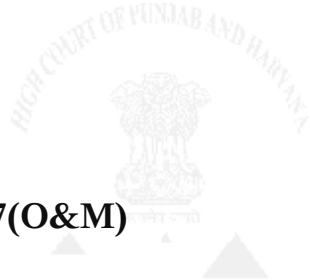
Mr. Naveen Siwach, Advocate for
Mr. J.S. Saneta, Advocate
for the respondent No.4 (in CWP No.9277 of 2018).

Mr. Sudhir Aggarwal, Advocate
for the respondent No.7 (in CWP-13259 of 2019).

Mr. Satya Pal Jain, Addl, Solicitor General of India with
Mr. Dheeraj Jain, Sr. Penal Counsel, G.O.I.

1. Today, the learned Addl. Solicitor General of India intimates this Court, that through a letter drawn by the office of Surveyor General, Survey Complex, Dakshin Marg, Chandigarh on 23.5.2023, thus the survey teams concerned, have been dispatched to the sites concerned. However, it is submitted today before this Court by the learned Addl. Solicitor General of India, that the State of Haryana and the State of Uttar Pradesh, have not yet deposited the sums of money, as were required to be deposited with the Union of India, rather, towards the expenses for erection of the boundary pillars at the sites concerned.

2. It appears that the said non-deposits, has resulted in no further action being drawn by the authorities concerned, thus in pursuance to the directions made by this Court, on 5.5.2023. The learned counsels appearing respectively for the State of Uttar Pradesh, and, the State of Haryana, submit that the said deposits could not be made, as the heads of accounts, wherein, the amounts are to be deposited rather were not intimated to them. However, the said fact is rebutted by the learned Addl. Solicitor General of India. Further-more, even if the said heads of accounts were not intimated to the Chief Secretaries of the States of Uttar Pradesh and Haryana, but it was expected that through all the logistic

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wherewithals available to them, theirs ensuring theirs suo moto detecting the heads of accounts wherein such deposits were to be made. The above lack of deployment of all logistic wherewithals by the State of Uttar Pradesh and the State of Haryana, is the least sensitization, to the issue which requires to be eased at the earliest, and, in respect whereof, directions (Supra), were passed by this Court.

3. Moreover, this Court in paragraph 4, of the order made by this Court on 5.5.2023, para whereof stands extracted hereinafter, had made a direction upon the States of Uttar Pradesh and the State of Haryana, to ensure that at the earliest and with the quickest promptitude, the disbursement of sums of money, for the relevant purpose, thus are made to the Union of India, for thus enabling the latter to thereafter proceed to engage itself in the exercise of erecting boundary pillars at the sites concerned, so that subsequently, the records are transferred from the jurisdiction(s) of the State of Haryana, to the State of Uttar Pradesh or vice-versa, and, thereafter up-dation of records also occurs. However, merely because of the lack of promptitude in the above regard, by the State of Uttar Pradesh, and, the State of Haryana, the farmers of both the States would be put to an immense difficulty, in theirs making cultivation of theirs respective tracts of lands. Therefore, the State of Uttar Pradesh and the State of Haryana are directed to within a week from today make the relevant deposits of the relevant sums of money into the relevant heads of accounts, of the relevant department of the Union of India.

“4. The learned counsel appearing for the State of U.P. submits, that the Government of U.P. has

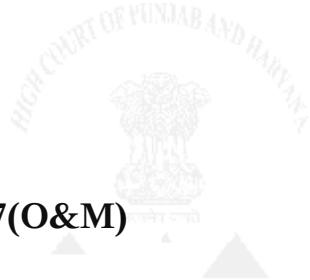


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conveyed to him, that the costs but to the extent of half of the above expenses, to be incurred by the authority concerned, for erecting the boundary pillars concerned, but at the disputes sites, shall be borne by the State of U.P. Though the learned counsel appearing for the State of U.P. submits, that there is likelihood of some time being consumed in the necessary approvals being granted, for the disbursements being made to the authority concerned, for its engaging upon the relevant exercise. However, since the matter is of an emergent nature and requires promptitude on the part of all concerned, thus to settle the boundary dispute(s), which has emerged amongst the State of U.P. and the State of Haryana, and, which will become eased, only through the erections of boundary pillars, at the sites concerned. Therefore this Court directs both the State of U.P., and, the State of Haryana, to within one week from today, make deposits in the sums of money, as are required to be borne equally by them, before the office of PHCGDC, Survey of India, Chandigarh, so that subsequently the latter proceeds to engage itself in the exercise of erecting the boundary pillars on the disputed sites concerned.”

4. Be that as it may, since the counsel appearing for the State of Uttar Pradesh and the counsel appearing for the State of Haryana, have assured this Court, that the said disbursements, for the relevant purposes would be made into the relevant heads of the relevant department of Union of India. Therefore, the Survey of India may not yet await for the said monies being remitted to the said relevant heads, rather the Survey of India, shall proceed to most promptly, thus comply with the directions, as made by this Court on 5.3.2023, if not already done.



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5. Moreover, the other relevant directions, as made therein to the Chief Secretaries of State of Uttar Pradesh and the State of Haryana, and, also the relevant directions, as made thus to the Director Generals of Police in the State of U.P., and, in the State of Haryana be also forthwith complied with, so that immediately the task of erecting boundary pillars at the sites concerned, thus becomes completed within a period of two weeks by the Survey of India.

6. For an intimation with respect to the above, list on 5.7.2023.

7. Learned State counsel shall also intimate this Court whether there is transfer of the revenue records from one State to the other, thus in terms of erection(s) of boundary pillars, and, in terms of updation of records.

8. A photocopy of this order be placed on the files of each connected case.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

May 25, 2023
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