

ITEM NO.5+39                      Court 14 (Video Conferencing)                      SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No. 6227/2022

(Arising out of impugned final judgment and order dated 14-02-2022 in CWP No. 20384/2021 passed by the High Court of Punjab & Haryana at Chandigarh)

M/S SHIVANAND REAL ESTATE PVT. LTD.                      Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.                      Respondent(s)

(FOR ADMISSION and I.R. and IA No.31476/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.31473/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) )

WITH

SLP(C) No. 4218/2022  
(FOR ADMISSION )

Date : 14-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)      Mr. Siddharth Mittal, AOR  
                                    Mr. Prabhat Kumar, Adv.  
                                    Ms. Shilpa G. Mittal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

SLP (CIVIL) Diary No. 6227/2022

The petitioner herein seeks to question the order dated 14.02.2022 in CWP No. 20384 of 2021 as passed by the High Court of Punjab and Haryana at Chandigarh while considering a writ petition filed by one of the land owners [who is the petitioner

in connected SLP(C) No. 4218 of 2022] seeking release of the amount of compensation towards acquisition of his land by the respondents.

It appears that the respondents related with the State of Haryana and the Haryana Shehari Vikas Pradhikaran ['HSVP'] are faced with several such claims for release of the amount of compensation in different proceedings, including execution cases. In order to satisfy such claims, a so-called plan for making payment was propounded before the High Court in the said writ petition by the Chief Administrator, HSVP (as reproduced by the High Court at page 6 of the order impugned) that carries the propositions of extended payment schedules, with proposed dates of compliance extending to 15<sup>th</sup> August 2022, 15<sup>th</sup> October 2022 and 31<sup>st</sup> December 2022.

The High Court, after taking note of the said plan for release of the amount of compensation, has generally restrained all the Executing Courts in the State of Haryana from taking coercive steps; and has further directed that the Reference Court will accept the amount of compensation as per the proposed plan of the respondents.

It is submitted on behalf of the petitioner that while exercising writ jurisdiction under Article 226 of the Constitution of India in respect of one land owner, the High Court was not justified in issuing general directions applicable to all the execution cases pending in the State of Haryana. It is also submitted that the petitioner was not a

party to the said writ petition and the High Court was not justified in issuing impugned directions without extending an opportunity of hearing to the petitioner.

It is also submitted that as regards its claim for release of the amount of compensation, the petitioner had preferred a separate writ petition, being CWP No. 2969 of 2021, where, in the order dated 13.10.2021, the High Court recorded a statement made on behalf of the respondents that the matter was being referred to the Court in terms of Section 30 of the Land Acquisition Act, 1894; and that the amount assessed would be deposited with the Reference Court. On such a statement, the said writ petition was withdrawn with liberty to contest the matter before the Reference Court. Thereafter the petitioner, because of inaction of the respondent, moved the High Court in contempt proceedings [COCP No. 15 of 2022] wherein, notices have been issued for 06.04.2022.

Looking to the nature and purport of the impugned order dated 14.02.2022, the matter requires consideration.

Therefore, the application seeking permission to file the special leave petition (I.A. No. 31473 of 2022) is allowed. The other application for exemption from filing certified copy of the impugned order (being I.A. No. 31476 of 2022) is also allowed.

Issue notice to the respondent Nos. 1 to 4, returnable in two weeks. Service in relation to the respondent No. 5 (proforma respondent) is dispensed with.

In the meanwhile and until further orders, operation and effect of the impugned order dated 14.02.2022 in CWP No. 20384 of 2021 shall remain stayed qua the petitioner; and the proceedings taken up by the petitioner in relation to the amount of compensation, including those in Contempt Petition bearing No. 15 of 2022, shall continue without at all being affected by the directions issued in the order impugned or any observation made therein.

SLP(C) No. 4218/2022

In this petition, the petitioner seeks to question the very same order dated 14.02.2022 in CWP No. 20384 of 2021. The said writ petition was filed by the present petitioner seeking directions to the respondents for release of the amount of compensation.

As noticed hereinabove, in the impugned order dated 14.02.2022, the High Court has essentially based its consideration on the so-called plan for release of amount of compensation, as proposed by the Chief Administrator, HSVP; and has issued general directions restraining all the Executing Courts in the State of Haryana from taking coercive steps.

It is submitted that the High Court has issued such directions without taking note of the hardships faced by the land owners whose land had been acquired and who were being deprived of the awarded amount of compensation. It is also submitted that the High Court has given no reason whatsoever for accepting the proposed plan, which is essentially of

delayed and staggered payment schedules.

This matter too requires consideration.

Issue notice to the respondents, returnable in two weeks.

In the meanwhile and until further orders, operation and effect of the impugned order dated 14.02.2022 in CWP No. 20384 of 2021 shall remain stayed qua the petitioner; and the petitioner shall be free to adopt necessary proceedings for recovery of the amount of compensation, as permissible in law.

Having regard to the circumstances, we would also request the High Court to keep further proceedings in CWP No. 20384 of 2021 in abeyance, until further orders of this Court.

(NEETA SAPRA)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (NSH)