

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 283 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 7246 OF 2015]

SUBHASH AGARWAL & ORS. Appellant(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

J U D G M E N TKURIAN, J.

1. Leave granted.
2. The appellants approached the High Court of Punjab and Haryana in CWP No. 21211 of 2014 with the following prayer :-

"(a) Praying for issuance of a Writ in the Nature of Certiorari and of any other appropriate Writ, Direction or Order and for quashing of the order dt. 24.06.2014 at Annexure P-18 to the extent of applicability of the 'current rates' which in the humble pleading of the petitioner are not applicable as prayed in the aforesaid pleadings.

(b) Praying that the alleged acquisition proceedings u/s 6 of the Land Acquisition Act 1894 may kindly be declared to have 'lapsed' & disputed land be kindly released /transferred in the name of the petitioner on the

aforesaid grounds.

(c) For kindly issuing a direction by holding that the land of petitioners already stood released in the view of letter No. R.A-1-79/44484 dt. 07.07.1979 Annexure P-4 & upholding the agreement dt. 08.04.1981 Annexure P-9.

(d) Praying that the records of the respondent be kindly summoned before this Hon'ble Court.

(e) The Hon'ble Court is being prayed to grant any other relief as deem fit and proper under the facts & circumstances and nature of the case."

3. The Writ Petition was dismissed by the High Court in a cryptic manner and the impugned Judgment reads as follows:-

"The petitioners have prayed for quashing the notifications dated 04.11.1977 (Annexure P2) and 01.11.1980 (Annexure P8) issued under Sections 4 and 6 of the Land Acquisition Act, 1894.

The land of the petitioners was situated in village Mewla Maharajpur, Tehsil Ballabgarh, District Faridabad.

*The acquisition has been done more than
37 years ago.*

*No ground for interference is made
out as the acquisition proceedings are
already complete*

Dismissed"

4. In our opinion, the approach taken by the High Court is not proper in the facts and circumstances of the case. The High Court should have addressed the issues and should have passed orders on the main reliefs. We refrain ourselves from making further observations in this regard.

5. Therefore, we set aside the impugned Judgment and remand the Writ Petition to the High Court, to be considered on merits.

6. We make it clear that we have not expressed any opinion on the merits of the case and it will be open to the parties to raise all available contentions before the High Court.

7. In view of the above, the Civil Appeal is disposed of with no order as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
January 18, 2016.