

Non-Reportable

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

Miscellaneous Application No.877 of 2025

In

Contempt Petition (C) No.776 of 2018

In

Civil Appeal No.5128 of 2015

Gulshan Kaushik

....Applicant

Versus

The State of Haryana and Ors.

....Respondents

ORDER

1. Having failed in various rounds of litigation against the acquisition proceeding, the applicant has filed the above M.A. in a disposed of contempt petition to revive stale claims. It is the contention of the applicant that the State acquired his father's property without considering the objections under Section 5A of the Land Acquisition Act, 1894 (for short, the Act of 1894) and despite a *status quo* order, possession was taken. Later, despite policies of the State to resume the unused lands, those were

suppressed and far later to the acquisition, the properties were sold at an astronomical price. The applicant claims compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, the Act of 2013).

2. Mr. D.N. Goburdhun, learned Senior Counsel who was appointed as Amicus Curiae took us through various interim orders passed in the contempt petition as also the present M.A. to urge that various Benches of this Court had taken cognizance of the illegality visited on the applicant and had also expressed opinion that the applicant should be granted compensation in accordance with that granted to similar land holders at the highest value possible. It is pointed out that the State contrary to the directions issued has granted a measly amount of Rs.212 per sq. yards as is indicated in Annexure M/13 which is far lesser than the market value determined as per Annexure M/14.

3. Mr. Samar Vijay Singh, learned counsel appearing for the respondent submitted that the contempt case filed when the writ petition was pending before the High Court stood disposed of leaving liberty to contest the matter before the High Court. Subsequently the writ petition filed in the year 1992, after remand was dismissed by the Punjab and Haryana High Court and the SLP filed was also rejected. As of now, nothing survives and as directed in the contempt petition, Rs.4,78,228/- the compensation assessable at the highest amount as on the date of acquisition, is still available with the respondent which they are willing to disburse to the applicant.

4. The saga commenced with a writ petition filed in the year 1992 numbered as CWP No.6130 of 1992. The same was dismissed by the High Court on 18.01.2011 relying on the decision rendered by the same High Court in Writ Petition (C) No.6128 of

1992, finding no objection under Section 5A having been filed. An SLP against the said decision was disposed of by Annexure M/9, recording the statement of learned A.A.G. that unlike in CWP No.6128 of 1992, the petitioners in CWP No.6130 of 1992 had in fact filed objections. The matter was remanded back to the High Court by an order dated 09.07.2015.

5. After the remand ordered in Civil Appeal No.5128 of 2015, while the matter was pending before the High Court, a contempt petition (C) No.776 of 2018 was filed, allegedly on the contention that the *status quo* order before the High Court was violated and the land taken possession of. The Amicus had specifically taken us through Annexure M/12 order passed in the said contempt petition on 08.02.2019. A reading of the order would indicate that despite the remand order made, the petitioner, appearing in person asserted that he only seeks compensation at par with the

other land owners which the learned counsel appearing for the State of Haryana assured the Court, would be looked into. It was also noticed therein that the State would take steps for payment of reasonable compensation to the petitioners which could in no case be less than the highest compensation awarded under the Act of 2013. Obviously, not reckoning the fact that the acquisition was in the year 1992.

6. Be that as it may, the contempt petition stood disposed of by Annexure M/15 dated 05.07.2021. The specific observation with respect to the compensation being computed under the Act of 2013 in the interim order was noticed and it was found that the award in question was passed on 16.03.1993 and possession was taken on 11.05.2011. It was categorially found that there was no land acquired under the Act of 2013 and the maximum amount payable would only be Rs.212 per sq. yards which brings the total compensation

payable to Rs.4,78,228/-. It was noticed that the controversy was with respect to the *status quo* order of the High Court having been violated which enables the claimant to compensation under the Act of 2013 which was directed to be agitated before the High Court. It was observed that if the petitioner is desirous of accepting the compensation of Rs.4,78,228/-, he may indicate the same within 15 days on which the amount will stand transferred to his account.

7. Subsequently, as pointed out by the learned counsel for the State, the writ petition itself was disposed of by Annexure C-6 produced along with the reply of the respondent-State. By Annexure C-6 dated 30.11.2023, it was found that though there was a *status quo* order passed in the original writ petition, the same was dismissed on 18.01.2011 and possession was taken over on 11.05.2011. It was also noticed that in the writ petition the beneficiary of the acquisition Haryana Shahari Vikas

Pradhikaran (HSVP) was not impleaded. We cannot but notice that possession taken over on 11.05.2011 by the State was not in violation of the *status quo* order, since the writ petition already stood dismissed. The *status quo* order in the SLP by Annexure M/7 was passed much later on 09.01.2012. Hence, insofar as possession is concerned, the State rightly took possession of the lands in 2011, which was also long before the Act of 2013 came into force. There was no *status quo* order; either of the High Court or this Court, when possession was taken. It is also pertinent that Annexure C-6 was challenged in an SLP which stood dismissed by Annexure C-8 wherein an observation was made that liberty is reserved to the petitioner to take appropriate steps in the manner known to law for any other relief.

8. Obviously, the liberty left, has prompted the petitioner to again move this Court by an M.A. in a disposed of contempt petition. As we noticed, the

petitioner had given up the challenge against the acquisition and conceded to compensation being granted, which he is entitled to only under the Act of 1894, especially since the award was made on 16.03.1993 and possession taken on 11.05.2011. There is no illegality in the acquisition or in the award passed, the challenge against both having been rejected by the High Court and affirmed by this Court.

9. The liberty left, is in accordance with law and as of now it can only result in seeking compensation of Rs.4,78,228/- at the enhanced rate. The applicant did not have any case at any point in time that he had filed a reference for enhancement of compensation or that he had approached the Court under Section 28A of the Act of 1894 to be enabled an enhancement, granted in a similar case.

10. The liberty granted cannot revive claims already rejected since it is to be availed in accordance with law and the relief claimed cannot

be one which is already rejected. The observations made by interim orders in the contempt case are only *prima facie* in nature which gets subsumed in the final order which put the matter in the proper perspective. We find absolutely no reason to entertain the above M.A. in a disposed of contempt petition. We reiterate that the only relief available to the applicant is to seek disbursement of the amount of Rs.4,78,228/- which, if an application is made indicating proper authorization for all the legal representatives, entitled to succeed to the estate of the original owner, evident from a legal heirship certificate, the same shall be disbursed in accordance with the application made, if the authorization is found valid. We make it clear that the applicant cannot raise any further claim with respect to the acquisition of 1992 and we also make it clear that the applicant would be entitled to seek only for release of the amount of Rs.4,78,228/- without any interest claimed on the same.

11. We find the M.A. to be a clear abuse of process of Court and are of the opinion that exemplary costs should be imposed but we restrain ourselves only since a party-in-person appeared.

12. We place on record our appreciation for the vigorous arguments addressed by the learned Amicus in support of the application, which though found to be an abuse, is not the responsibility of the learned Amicus who assisted us, on our asking.

13. The M.A. is dismissed.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
FEBRUARY 25, 2026.**