

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 7073 OF 2010
(ARISING OUT OF SLP(C) NO. 4907 OF 2008)**

RATTAN LAL & ORS.

.....

APPELLANTS

VERSUS

STATE OF HARYANA & ORS.

.....

RESPONDENTS

O R D E R

1. Leave granted.
2. Land belonging to the appellants predecessors was acquired some time in the year 1986. It is the admitted position that on account of various interim orders made by the High Court, the appellant still remains in possession of the said land. The appellants also filed Writ Petition No. 6696/1995 in the High Court of Punjab and Haryana and the primary issue raised was that they were entitled to allotment of plots being oustees. The High Court vide its judgment dated 2nd September, 1996, directed that the appellant should first approach the respondent-HUDA with a formal application so that a

decision could be taken on their claim. An application was, accordingly, filed before the Chief Administrator on 22nd February, 2001. The application was rejected by the Screening Committee on 7th September, 2004 and the information was conveyed to the appellant on 11th October, 2004. The reason for the rejection was that the Scheme for allotment of plots to oustees had been formulated only with effect from 10th September, 1987 and as the appellants' land had been acquired prior to that date, they could not be treated as oustees. The order dated 7th September, 2004 and 11th October, 2004 were challenged by the appellants in the High Court. The High Court has vide impugned order dated 10th December, 2007 dismissed the writ petition making some observations which have no bearing on the matter and are irrelevant.

JUDGMENT

3. After hearing the learned counsel for the parties, we are of the opinion that issues with regard to the claim of the appellants have not been answered by the High Court and some observations not required in the writ petition have been recorded. We have, accordingly, no option but to allow the writ petition, set aside the order dated 10th December, 2007 and remit

the matter to the High Court for decision afresh.

4. Parties to appear before the Registrar, High Court of Punjab and Haryana at Chandigarh on 10th November, 2010. No costs.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
AUGUST 25, 2010.

