

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8434-8435 OF 2011

ROSHAN LAL

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. The appellant has approached this Court challenging the order passed by the High Court of Punjab and Haryana at Chandigarh in Review Application No. 136 of 2010 in CWP No. 10748 of 2008. The order dated 09.07.2010 is reproduced as follows :-

"After hearing learned counsel for the review-applicant and perusing the averments made in the application, we find that no ground for reviewing our order has been made out.

Accordingly, the review application is dismissed."

2. There is a background for the review application. The appellant had been before this Court challenging the impugned Judgment dated 27.01.2010 of the High Court and this Court in SLP (C) No. 5654 of 2010 by order dated 08.03.2010, passed the following order :-

"After arguing the case for some time, learned senior counsel for petitioner made a request that his client may be permitted to withdraw this petition with liberty to file an application for review of the order under challenge on the ground that the plea of discrimination raised by him has not been considered by the High Court.

The request of the learned senior counsel is accepted and Special Leave Petition is dismissed as withdrawn with liberty in terms of the prayer made."

3. After noticing that despite the said background, the High Court has not gone into the question of availability of other lands, this Court while issuing notice on 06.05.2011, passed the following order :-

"Delay condoned.

Heard learned counsel for the petitioner and perused the record.

The writ petition filed by the petitioner questioning the acquisition of his land was dismissed by the Division Bench of the High Court on 27.01.2010. Special Leave Petition (C) No. 5654 of 2010 filed by him was dismissed as withdrawn with liberty to seek review of

order dated 27.01.2010. Thereafter, the petitioner filed detailed petition under Order 47 Rule 1 for review of the order passed by the High Court. The petitioner averred that 135 kanals 8 marlas belonging to the Horticulture Department and 125 kanals 5 marlas belonging to PUDA were available for being developed as residential colony by Faridkot Improvement Trust. The High Court has, without advertng to the averments contained in the review petition, dismissed the same by two lines order.

Issue notice, returnable in 12 weeks. Dasti, in addition, is permitted. Issue notice on the petitioners's prayer for interim relief as well.

In the meanwhile, the parties are directed to maintain status quo as it is obtaining today. This would necessarily mean that the parties shall not change the existing character of the property or alienate the same to any othre person in any manner whatsoever.

A copy of this order be served upon the respondents along with the notice."

4. Though we have heard the learned counsel on both sides for some time, we are of the view that the High Court should have addressed the submissions made by the appellant in the review petition, some of which have been noted in the order dated 06.05.2011, as extracted above. Therefore, we set aside the impugned order passed by the High Court in the review petition and request the High Court to address the issues raised in the review petition regarding the availability of alternate land belonging to the Government and other public authorities and pass a speaking order in the review petition.

5. We request the High Court to pass the order, as above, expeditiously and preferably within a period of six months from the date of production of a copy of this Judgment before the High Court.

6. In view of the above, these civil appeals are disposed of with no order as to costs.

.....J.
[KURIAN JOSEPH]

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

New Delhi;
February 17, 2016.