

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.3412/2000

(From the judgement and order dated 01/09/1999 in CWP 5860/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUNJAB WAKF BOARD, AMBALA

Petitioner (s)

VERSUS

STATE OF PUNJAB AND ORS.

Respondent (s)

(With prayer for interim relief)

Date : 28/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. Salman Khurshid, Sr. Adv.
Mr. Intiaz Ahmad, Adv.
Mr. Irshad Ahmad, Adv.

For Respondent (s) Mr. Uday N Tiwary, Adv. for
Mr. Rajeev Sharma, Adv.
Mr. Mahabir Singh, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
The appeal is allowed in terms of the signed order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6897 OF 2001@@

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(Arising out of SLP(C) 3412/2000)

Punjab Wakf Board, Ambala ...Appellant

Versus

State of Punjab & Ors. ...Respondents

O R D E R

.SP2
.....L.....I.....J

Leave granted.

The High Court dismissed the Writ Petition filed by the appellant on the ground that there was long delay in preferring the writ petition against the impugned order which was made in the year 1994. The explanation given by the appellant before the High Court is that the files having been lost it had to reconstruct the same and only thereafter it discovered that this matter had to be agitated. It is in those circumstances, the appellant approached the High Court after four years after the impugned order. In such matters, particularly, when it pertains to some public right involved in respect of Wakf, delay by itself would not defeat the rights of the parties what the Court has to see is whether as a result of laches any third party rights have been created or is there any other impediment in the way of granting relief sought for by the appellant. In the absence of examination of such facts to dismiss the matter on the

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ground of delay alone may not be appropriate for the High Court. The order of the High Court is set aside, and the matter is remitted back to the High Court for fresh consideration on merits in accordance with law. The appeal is allowed accordingly.

.SP1
.....J
[S. RAJENDRA BABU]

.....J
[DORAISWAMY RAJU]

New Delhi,
September 28, 2001