

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(s). 7975 OF 2002

KHUSHI RAM AND ORS.

Appellant (s)

VERSUS

HARJINDER SINGH AND ORS.

Respondent(s)

(With appln(s) for intervention and office report)

WITH SLP(C) NO. 19599-19600 of 2012

(With prayer for interim relief and office report)

Civil Appeal NO. 7976 of 2002

(With office report)

Date: 16/01/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s)

Mr. P.N. Misra, Sr. Adv.

Mr. Balbir Singh Gupta, Adv. (Not present)

Mr. Satinder S. Gulati, Adv.

Mrs. Kamaldeep Gulati, Adv.

Mr. Kuldip Singh, Adv.

Intervenor

Mr. A.P. Dhamija, Adv.

Mr. Sharad Singhania, Adv. (Not present)

For Respondent(s)

Ms. Naresh Bakshi, Adv. (Not present)

Mr. Rajesh Mittra, Adv.

Mr. Prem Sunder Jha, Adv.

Mr. Umang Shankar, Adv.

..2/-

.2.

UPON hearing counsel the Court made the following

O R D E R

C.A.Nos.7975 & 7976 of 2002 :

The appeals are disposed of as having become infructuous in terms of the signed order.

In view of the fact that the appeals have become infructuous,

the application for intervention does not survive and stands disposed of accordingly.

CIVIL APPEAL NOS.1842-1843 OF 2014 @
SLP(C)NOS.19599-19600 of 2012 :

Leave granted.

The appeals are disposed of as allowed in terms of the signed order.

There shall be no order as to costs.

| (Sarita Purohit) | | (Sneh Bala Mehra) |
| Court Master | | Assistant Registrar |

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 7975 OF 2002

KHUSHI RAM & ORS. ... APPELLANTS

VERSUS

HARJINDER SINGH & ORS. ... RESPONDENTS

WITH

CIVIL APPEAL NO.7976 OF 2002 & CIVIL APPEAL NOS.
1842-1843 OF 2014 @ SLP(C)NOS.19599-19600 OF 2012

O R D E R

C.A.Nos.7975 & 7976 of 2002 :

When the matters were listed on 18th February, 2014, the following order had been passed by this Court :

"State of Punjab had created the Nagar Panchayat. Subsequently, it was de-notified in the year 1999. However, while entertaining the writ petitions, the High Court has set aside the order of de-notification and restored the Nagar Panchayats with retrospective effect. This Court had stayed the operation of the said impugned judgment and order of the High Court and that is operating since 8.5.2000, i.e. for the last 13 years.

The matters have been heard earlier and came up for hearing

today. We have heard learned counsel for the parties.

..2/-

.2.

Mr. Kuldip Singh, learned counsel appearing for the State of Punjab has suggested that instead of deciding the cases on merit, this Court should give appropriate time to the State Government to come with a notification creating Nagar Panchayats as the State is considering the same and it is not possible for the State to do so because of the interim order passed by this Court.

In view of the above, we modify the interim order passed by this Court earlier to the extent that it shall be open for the State Government, if it so desires, to come with a notification establishing Nagar Pachayat. That may be done within a period of three months and produced before this Court.

List the matters after three months."

At the time of hearing of these appeals today, the learned counsel appearing for the State has submitted that on 29th May, 2013 necessary Notification, which had been referred to in the earlier order, had been issued whereby Nagar Panchayat, Bhikhiwind, has been notified prospectively.

In view of the aforesaid development in the matter, in our opinion, the appeals have become infructuous. The appeals are disposed of accordingly.

In view of the fact that the appeals have become infructuous, the application for intervention does not survive and stands disposed of accordingly.

..3/-

.3.

Leave granted.

Heard the learned counsel appearing for the parties.

At the outset, the learned counsel appearing for the respondent submitted that he has no objection if the appeals are allowed for the reason that the area wherein the suit property is situated is now forming part of urban area as the said area had been included in Bhikhiwind Nagar Panchayat by virtue of the Notification dated 29th May, 2013 passed under the East Punjab Urban Restriction Act, 1949. In view of the above circumstances, the appeals are allowed. The impugned order passed by the High Court is quashed and set aside and the appeals are disposed of as allowed.

There shall be no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[JAGDISH SINGH KHEHAR]

New Delhi;
16th January, 2014.