

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

RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) No.1522/2006

(From the judgement and order dated 20/12/2005 in CWP No. 9712/2004
of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL CORPORATION, AMRITSAR

Petitioner(s)

VERSUS

FRUIT & VEGATABLE MERCHANTS UNION(R)& ORS.

Respondent(s)

(For stay and office report)

(FOR FINAL DISPOSAL)

WITH

S.L.P.(C) No.2050/2006 (With prayer for interim relief and office report)

S.L.P.(C) No.2156/2006 (With prayer for interim relief and office report)

S.L.P.(C) No.2952/2006 (With prayer for interim relief and office report)

S.L.P.(C) No.2797/2006 (With appln.(s) for permission to place addl. documents on
record and with prayer for interim relief and office report)

S.L.P.(C) No.7262/2006 (With prayer for interim relief and office report)

Date: 20/02/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. G.E. Vahanvati, SG (not present)

Mr. Devadatt Kamat, Adv.

Mr. R.K. Kapoor, Adv.

Mr. M.K. Verma, Adv.

Mr. S.S. Yadav, Adv.

for Mr. Anis Ahmed Khan, Adv.

Mr. Ajay Majithia, Adv.

Mr. Rajesh Kumar, Adv.

Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr. Adv.

Mr. M.F. Humayunisa, Adv.

Mr. Kumar Dushyant Singh, Adv.

Mr. R. Nedumaran, Adv.

Mr. Nagendra Rai, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. R.C. Kathia, Adv.

Mr. D.S. Mahra, Adv.

Mrs. Anil Katiyar, Adv.

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Mr. Nilesh Sharma,Adv.

Ms. Ruchi Gour Narula,Adv.

Mr. Rajiv Nanda,Adv.

Mr. Sarup Singh, Sr.Addl.Adv.Gen.,Pb.

Mr. R.K. Pandey,Adv.

Mr. Arun K. Sinha,Adv.

Mr. Sanjay Jain,Adv.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to our order dated 29.11.2006, the Major General,

General Officer Commanding has passed an order on or about

2.2.2007 in terms of Section 7(b)(i) of the Works of Defence

Act,

1903, inter alia directing:

the

"I order the State Administration to give notices to

owners of all structures and demolish immediately all

construction made subsequent to 11 November, 2004

being illegal, as the same was carried out subsequent t

o

the issue of Gazette Notification dated 11 November,

2004 which was duly published for public knowledge. The

reasons are:-

(a) No permission was sought by the parties from me as

per the Act.

(b) Public Notice under the Works of Defence Act, 1903 was given and adequate warning had been given by means of issue of public notices and display of boards.

(c) FIRs have been lodged with Senior Superintendent of Police, Amritsar and the Deputy Commissioner, Amritsar. But in wake of ongoing Civil Writ Petitions during 2004-2005 and Six Special Leave Petitions in 2006, the civil administration have allowed these constructions to go on continuously."

In view of the aforesaid order, we are of the opinion that the petitioners herein as also the concerned respondents, being respondent Nos. 4 & 5 would have to take a fresh decision in the matter. We, however, make it clear that we are not expressing any opinion on the correctness or otherwise of the order passed by the said authority.

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We hope and trust that, in the interest of all concerned, a decision by Respondent Nos.4 & 5 shall be taken as expeditiously as possible, preferably within a period of three months from today.

The special leave petitions are disposed of with the aforementioned directions and observations.

(A.S. BISHT)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER