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C.A.No. 8200 OF 2001
ITEM NO. 104(PH)

COURT NO.8

SECTION IV

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

CIVIL APPEAL NO. 8200 OF 2001

TRAVEL STAR (HOTELS) INDIA LTD., LUDHIANA.. APPELLANT
VERSUS

UNION OF INDIA & ORS... RESPONDENTS
(With office report)

WITH C.A.NOS.8201, 8202, 8203, 8204, 8262 & 8265 OF 2001-
(With office report),
C.A.NO.8260/2001-(With appln.(s) for intervention and
directions and with office report),
C.A.NO.8264/2001-(With appln.(s) for intervention and
directions and with office report)

DATE: 07/10/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For appellant (s)

CA 8200Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.

CA 8203Mr. P.H. Parekh, Adv.
Mr. Rohit Alex, Adv.

CA 8204Mr. P.H. Parekh, Adv.
Mr. Rohit Alex, Adv.

CA 8262, 8260Mr. K.K. Venugopal, Sr.Adv.
8264Mr. Dhruv Mehta, Adv.
Mr. Mohit Chaudhry, Adv.
Ms. Shalini Gupta, Adv.
for M/s. K.L. Mehta & Co., Adv.

Mr. M.P. Shorawala, Adv.

For respondent (s)

UOIMr. L.Nageswara Rao, ASG
Mr. N.N. Goswami, Sr.Adv.
Ms. Indra Sahani, Adv.
Mr. Hemant Sharma, Adv.
Ms. Anita Verma, Adv.
Mr. Prateek Jalan, Adv.
Ms. Sushma Suri, Adv.
Mr. B.V. Balram Das, Adv.

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State of Punjab Mr. Sarup Singh, Sr.Addl.Adv.Gen., Pb.
Mr. R.S. Suri, Adv.

Mr. Harinder Mohan Singh, Adv.
Mr. Anil Hooda, Adv.
Ms. Shabana Saifi, Adv.
Mr. Kaushal Yadav, Adv.

Ms. Jayshree Anand, Adv.
Mr. K.K. Mahalik, Adv.
Mr. H.M. Singh, Adv.

For intervenor (s) Ms. Shobha, Adv.
CA 8264

Upon hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties for five minutes.
The appeals are disposed of in terms of the signed order. No costs.
In the light of the order passed in the civil appeals, no orders are required to be passed in the applications for intervention and directions. The I.As. are disposed of accordingly.

Sarita(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8200 OF 2001

TRAVEL STAR (HOTELS) INDIA LTD., LUDHIANA

APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

WITH C.A.NOS.8201, 8202, 8203, 8204, 8260,
8262, 8264 & 8265 OF 2001

O R D E R

In all these appeals, the appellants have called in question the validity and correctness of the impugned order passed by the High Court when the Authorities issued orders to the appellants directing them to demolish constructions made by them within the area said to have been covered by the Notification issued under Section 3 of the Works of Defence Act, 1903 ('the Act' for short) read with Section 7 of the said Act.

Having heard learned counsel for the parties and after perusal of the impugned orders, we are satisfied that the controversies raised require to be examined afresh by the High Court. In our view, the High Court did not go into the factual aspect as to the situation or location of the buildings that were sought to be demolished. The High Court accepted the contentions raised on behalf of the respondents without verifying the factual position. In our view, it was necessary for the High Court, in the first place, to consider and record a finding from what point the area covered by the

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Notification under Section 3 should have been measured for the purpose of deciding whether the buildings in question fell within the prohibited area or not. The learned counsel for the pa

rties agreed that the matters require to be decided afresh by the High Court dealing with the factual as well as all the legal aspects in the light of the rival contentions raised. As already indicated above, we are of the view that the impugned orders are set aside and the matters are remitted to the High Court for fresh consideration and decision. In that view, without expressing one way or the other on the respective contentions raised on either side, we feel it appropriate that all the contentions of the parties are left open to be decided afresh by the High Court factually as well as legally.

This Court passed an interim order on 9.7.2001 and subsequently, as well maintaining the status quo on the properties. The orders maintaining status quo made by this Court from time to time shall continue to operate till the disposal of the writ petitions by the High Court.

Having regard to the facts and circumstances of the cases and the matters relating to the Notification issued under Section 3 of the Act, We think it just and appropriate that the High Court disposes of the writ petitions as expeditiously as possible and preferably within a period of four months. We request the High Court to do so.

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All the appeals are allowed. The impugned orders are set aside and the matters are remitted to the High Court for fresh disposal in the light of what is stated above. No costs.

The learned counsel for the respondents seeks permission to produce certain map. They are permitted to do so, subject to the objections filed by the writ petitioners before the High Court.

We make it clear that fire works and fire arms during any celebration shall not be used in the area covered by the said Notification.

.....J.
(SHIVARAJ V. PATIL)

New Delhi, (D.M. DHARMADHIKARI)
October 7, 2003.

.....J.