

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6996 of 2014

RAM PARSHAD (D) & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

The challenge in this appeal is to the impugned judgment and order dated 14.01.2004 passed by the Division Bench of Punjab & Haryana High Court in LPA No. 227/2003.

The appellants had filed a writ petition in the High Court in which the appellants had challenged order dated 28.05.1987 passed by the Collector and order dated 15.08.1988 passed by the Commissioner, Ambala Division, Ambala. The writ petition was dismissed on the ground that the Commissioner in order dated 07.09.1988 had recorded that both the parties admit that the suit land is *charand* (grazing land) undisputedly.

According to the writ petitioners / appellants before us, this finding was wrongly recorded. In view thereof the Division Bench remanded the matter to the Commissioner to consider whether the admission deserves to be expunged or not. While the matter was pending before the Commissioner, the appellants preferred a writ petition in the Punjab and Haryana High Court challenging the provision of Section 2 of Punjab Village Common Land (Regulation)

Haryana Amendment Act of 1991 (Haryana Act 9 of 1992) on the ground that was *ultra vires* certain provisions of the Constitution.

In the writ petition, the proceedings that had taken place in the earlier round of litigation including the remand of the matter to the Commissioner was not mentioned. Accordingly, the writ petition filed by the appellants was dismissed due to concealment of material facts.

The view expressed by the learned Single Judge dismissing the writ petition due to concealment of material facts was upheld by the Division Bench in the impugned judgment and order dated 14.01.2004. The present appeal is directed against order dated 14.01.2004. It may be mentioned that in the meanwhile the Commissioner heard the parties but declined to intervene in favour of the appellants on the ground that the statute had been amended as mentioned above.

In other words, the order passed by the Commissioner in the first round was upheld though for different reasons. The order passed by the Commissioner in the second round has attained finality and has not been challenged by the appellants.

Consequently, what remains is an academic challenge made by the appellants to the constitutional validity of Section 2 of Punjab Village Common Land (Regulation) Haryana Amendment Act of 1991 (Haryana Act 9 of 1992).

We are not inclined to entertain the academic challenge to the constitutional validity of the Act in so far as the appellants are concerned particularly, since the decision of the Commissioner in the second round of litigation has attained finality and has not

been challenged by the appellants.

The civil appeal is disposed of as being academic.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;

JANUARY 23, 2018.

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(s). 6990/2014

THE STATE OF HARYANA

Appellant(s)

VERSUS

JAI SINGH & ORS.

Respondent(s)

(APPLICATION FOR BRINGING ON RECORD THE LRS OF DECEASED RESPONDENTS AND CONDONATION OF DELAY IN FILING SUBSTITUTION APPLICATION AND APPLICATION FOR RESTORATION OF INTERVENTION APPLICATION AND APPLICATION FOR CONDONATION IN FILING APPLICATION FOR RESTORATION OF INTERVENTION APPLICATION)

WITH

C.A. No. 6991/2014 (IV)

C.A. No. 6993/2014 (IV)

C.A. No. 6992/2014 (IV)

C.A. No. 6996/2014 (IV)

(APPLICATION FOR REVOKING SLP AND APPLICATION FOR SUBSTITUTION FOR BRINGING ON RECORD THE LRS OF DECEASED APPELLANTS, APPLICATION FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLICATION AND APPLICATION FOR EXEMPTION FROM FILING OT AND APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

C.A. No. 6997/2014 (IV)

C.A. No. 7000/2014 (IV)

C.A. No. 7001/2014 (IV)

C.A. No. 7003/2014 (IV)

(APPLICATION FOR PERMISSION TO FILE SYNOPSIS AND LIST OF DATES AND APPLICATION FOR EXEMPTION FROM FILING OT AND APPLICATION FOR DIRECTIONS)

C.A. No. 7004/2014 (IV)

(APPLICATION FOR DETAGGING)

SLP(C) No. 31052-31053/2014 (IV-B)

C.A. No. 4435/2015 (IV)

C.A. No. 6610-6612/2016 (IV)

Date : 23-01-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. N.K. Mody, Sr. Adv.
Mr. Munish Gupta, Adv.
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For Respondent(s)

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Mr. Rajesh Kumar, AOR
Mr. Deva Vrat Anand, Adv.
Mr. R.K. Srivastava, Adv.

Mr. Jagjit Singh Chhabra, AOR

Ms. Uttara Babbar, AOR
Ms. Akanksha Choudhary, Adv.
Ms. Bhavana Duhoon, Adv.

Mr. Gagan Gupta, AOR
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Mr. A. N. Arora, AOR

Ms. Manju Jetley, AOR

Mr. Shankar Prasad, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Arvind Minocha, AOR

Mr. Ranbir Singh Yadav, AOR

Mr. Raj Kamal, Adv. Gen.

Mr. Benant Noor Singh Marok, Adv.

Mr. Bhaskar Aditya, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal No(s). 6990/2014, 6991/2014, 6993/2014, 6992/2014, 6997/2014, 7001/2014, 4435/2015, 6610-6612/2016 and SLP (C) Nos. 31052-31053/2014

This appeal (Civil Appeal No. 6990/2014) is directed against judgment and order passed by the Full Bench of the Punjab and Haryana High Court in CWP No. 5877/1992. Respondent No.1 is named as Jai Singh and for convenience the judgment and order which is impugned is referred to as Jai Singh Case.

During the pendency of this batch of appeals, Jai Singh case was taken up for consideration before a larger Bench of the Punjab and Haryana High Court consisting of 5 learned Judges in State of Haryana & Anr. v. Suraj Bhan & Ors. The 5 learned Judges delivered their judgment and order on 22.07.2016. With reference to Jai Singh case, the decision rendered therein was upheld, however "holding or observing that the land of the Jumla Mushtarka Malkan shall vest in the Gram Panchayat is held to be invalid and inapplicable notwithstanding Section 4 of the Village Common Lands (Regulation) Act 1961". The decision rendered in Suraj Bhan case is the subject matter of a petition in this Court being M/s. ASF Buildwell Pvt. Ltd. v. State of Haryana & Ors. (Diary No.

26607/2017).

Learned counsel for the parties say that notice has been issued in the matter filed by M/s. ASF Buildwell Pvt. Ltd. Consequently, it appears to us that the decision rendered in M/s ASF Buildwell Pvt. Ltd. will have some relevance to the decision in the present batch of appeals.

Under the circumstances tag these appeals with Diary No. 26607/2017 (M/s ASF Buildwell Pvt. Ltd.).

C.A. 6996/2014

The civil appeal is disposed of in terms of the signed order.

Pending applications are disposed of.

C.A. No. 7000/2014

List the matter on 31.01.2018.

C.A NO. 7003/2014 and C.A. NO. 7004/2014

We have heard learned counsel for the parties and it appears to us on going through the records and on hearing submissions made by learned counsel that these matters are not connected with C.A. No. 6990/2014 etc. (Jai Singh Case). Accordingly these matters are detagged and will be taken up separately. It may be mentioned that in these appeals there is no challenge to the Punjab Village Common Land (Regulation) Haryana Amendment Act of 1991.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER

[Signed order is placed on the file]