

R E P O R T A B L E

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.897 OF 2002

STATE OF UTTAR PRADESH

...PETITIONER

VERSUS

JAI BIR SINGH

...RESPONDENTS

WITH

CIVIL APPEAL NO.1276 OF 2001

CIVIL APPEAL NO.1278 OF 2001

CIVIL APPEAL NO.1279 OF 2001

CIVIL APPEAL NO.6114 OF 2001

CIVIL APPEAL NO.8597 OF 2001

CIVIL APPEAL NO.2409 OF 2002

CIVIL APPEAL NO.2506 OF 2002

CIVIL APPEAL NO.4569 OF 2002

CIVIL APPEAL NO.5101 OF 2002

CIVIL APPEAL NO.6108 OF 2002

CIVIL APPEAL NO.6471 OF 2002

SPECIAL LEAVE PETITION (C) NO.20982 OF 2002

CIVIL APPEAL NO.7994 OF 2004

SPECIAL LEAVE PETITION (C) NO.11291 OF 2004

SPECIAL LEAVE PETITION (C) NO.14085 OF 2004

SPECIAL LEAVE PETITION (C) NO.14127 OF 2004

CIVIL APPEAL NO.812 OF 2005

SPECIAL LEAVE PETITION (C) NO.4139 OF 2005

CIVIL APPEAL NO.1273 OF 2007

CIVIL APPEAL NO.1274 OF 2007

CIVIL APPEAL NO.3647 OF 2007

CIVIL APPEAL NO.4646 OF 2007

SPECIAL LEAVE PETITION (C) NO.16301 OF 2007

CIVIL APPEAL NO.296 OF 2008

CIVIL APPEAL NO.1311-1312 OF 2008

SPECIAL LEAVE PETITION (C) NO.3107 OF 2008

SPECIAL LEAVE PETITION (C) NO.4327 OF 2008

SPECIAL LEAVE PETITION (C) NO.4328 OF 2008

SPECIAL LEAVE PETITION (C) NO.4329 OF 2008

SPECIAL LEAVE PETITION (C) NO.16276 OF 2008

SPECIAL LEAVE PETITION (C) NO.17224 OF 2008

SPECIAL LEAVE PETITION (C) NO.1112 OF 2009

SPECIAL LEAVE PETITION (C)...CC No.7990 OF 2009

CIVIL APPEAL NO.3920 OF 2010

CIVIL APPEAL NO.5681 OF 2010

CIVIL APPEAL NO.3119 OF 2011

CIVIL APPEAL NO.7757 OF 2011

CIVIL APPEAL NO.1131 OF 2012

CIVIL APPEAL NO.4505-4506 OF 2013

CIVIL APPEAL NO.4507-4508 OF 2013

SPECIAL LEAVE PETITION (C) NO.12679-12682 OF 2014

CIVIL APPEAL NO.5519 OF 2012

AND WITH

SPECIAL LEAVE PETITION (C) NO.1857 OF 2016

O R D E R

T.S. THAKUR, CJI.

1. We have heard learned counsel for the parties at considerable length. We have also been taken through relevant passages of the decision of this Court in *Bangalore Water Supply & Sewarage Board etc. v. A. Rajappa and Ors. etc.* (1978) 2 SCC 213 and the reference order passed by a Five-Judges Bench of this Court pursuant to which these matters have been placed before us. Having given our anxious consideration to the contentions urged at the bar and the serious and wide ranging implications of the issue that fall for determination as also the fact that serious doubts have been expressed in the

reference order about the correctness of the view taken in *Bangalore Water Supply's case* (supra), we are of the opinion that these appeals need to be placed before a Bench comprising Nine-Judges to be constituted by the Chief Justice.

2. We order accordingly. The papers be now placed before the Chief Justice for constituting an appropriate Nine-Judges Bench to answer the questions raised in the reference order dated 5<sup>th</sup> May, 2005 passed by the Five-Judges Bench in *State of U.P. v. Jai Bir Singh* (2005) 5 SCC 1.

.....CJI.  
(T.S.THAKUR)

.....J.  
(MADAN B. LOKUR)

.....J.  
(S.A. BOBDE)

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

.....J.  
(DR. D.Y. CHANDRACHUD)

.....J.  
(L. NAGESWARA RAO)

NEW DELHI;  
JANUARY 2, 2017.

ITEM NO.1C  
(For Judgment)

COURT NO.1

SECTION XVI

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) .897/2002

STATE OF U.P.

Appellant(s)

VERSUS

JAI BIR SINGH

Respondent(s)

WITH

C.A.No.1276/2001

C.A.No.1278/2001

C.A.No.1279/2001

C.A.No.6114/2001

C.A.No.8597/2001

C.A.No.2409/2002

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C.A.No.6471/2002

SLP(C) No.20982/2002

C.A.No.7994/2004

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SLP(C) No.14085/2004

SLP(C) No.14127/2004

C.A.No.812/2005

SLP(C) No.4139/2005

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C.A.No.1274/2007

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C.A.No.4646/2007

SLP(C) No.16301/2007

C.A.No.296/2008

C.A.No.1311-1312/2008

SLP(C) No.3107/2008

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SLP(C) No.4329/2008

SLP(C) No.16276/2008

SLP(C) No.17224/2008

SLP(C) No.1112/2009

S.L.P. (C) ...CC No.7990/2009

C.A.No.3920/2010

C.A.No.5681/2010

C.A.No.3119/2011

C.A.No. 7757/2011

C.A.No. 1131/2012

C.A.No. 4505-4506/2013

C.A.No. 4507-4508/2013

SLP(C) No. 12679-12682/2014

C.A.No. 5519/2012

SLP(C) No. 1857/2016

Date : 02/01/2017 These appeals/petitions were called on for pronouncement of Order today.

For Appellant(s)

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Mr. Naresh Kumar, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Mr. Vishwajit Singh, Adv.

Mr. S.K. Verma, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Gautam Narayan, Adv.

Mr. K. Rajeev, Adv.

Hon'ble the Chief Justice of India pronounced the Order of the Bench comprising His Lordship, Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Mr. Justice S.A. Bobde, Hon'ble Mr. Justice Adarsh Kumar Goel, Hon'ble Mr. Justice Uday Umesh Lalit,

Hon'ble Dr. Justice D.Y. Chandrachud and Hon'ble Mr. Justice L. Nageswara Rao.

In the light of the Order, these appeals/petitions are referred to a larger Bench of Nine-Judges to be constituted by the Chief Justice.

The papers shall now be placed before the Hon'ble Chief Justice for appropriate orders in terms of the signed reportable Order.

(ASHOK RAJ SINGH)

Court Master

(Signed reportable Order is placed in the file)

(SUMAN JAIN)

Court Master