

\224?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

1

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

2

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 & Sewerage 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
3

reference order about the correctness of the view taken in Bangalore Water Supply & Sewerage Board v. State of Karnataka (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 th 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.

4

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

RECORD OF PROCEEDINGS

Civil Appeal No(s).897/2002

STATE OF U.P.

Appellant(s)

VERSUS

Respondent(s)

JAI BIR SINGH

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.4569/2002

C.A.No.5101/2002

C.A.No.6108/2002

C.A.No.6471/2002

SLP(C) No.20982/2002

C.A.No.7994/2004

SLP(C) No.11291/2004

5

SLP(C) No.14085/2004

SLP(C) No.14127/2004

C.A.No.812/2005

SLP(C) No.4139/2005

C.A.No.1273/2007

C.A.No.1274/2007

C.A.No.3647/2007

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.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

6

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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7

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For Respondent(s)

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8

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Mr. S.K. Verma, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Gautam Narayan, Adv.

Mr. K. Rajeev, Adv.

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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,

9

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)

(SUMAN JAIN)

Court Master

Court Master

(Signed reportable Order is placed in the file)

10