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ORIGINAL SUIT 2 OF 2001
ITEM No.40

Court No. 1

SECTION IIIA

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

ORIGINAL SUIT NO. 2 OF 2001
(For Preliminary Hearing)

UNION OF INDIA

Plaintiff (s)

VERSUS

STATE OF JAMMU & KASHMIR & ANR.

Defendant (s)

(With Office Report)

Date : 18/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s) Mr. Soli J Sorabjee, AG
Mr. Mukul Rohtagi, ASG
Mr. Vipin Sanghi, Adv.

Mr. B.V. Balaram Das, Adv.

For Respondent (s) Mr. S. Mehandi Imam, Adv.
for Mr. Anis Suhrawardy, Adv.

UPON hearing counsel the Court made the following
O R D E R

After having heard learned counsel for the parties, following issues are framed in this Suit:

"1. Whether the present suit is not a suit under Article 131 of Constitution of India?

3. Whether the Defendant State Government has the competence to appoint a Commission of Enquiry under the J&K Commission of Enquiry Act, 1962 in relation to any matter covered under Entries 2 and 2A of List 1 of the VIIth Schedule of the Constitution of India?

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6. Whether the Orders passed by Hon'ble Mr. Justice O.P. Sharma as a one member Commission of Enquiry dated 23.07.2001 and 25.07.2001 are in contravention of Section 7 of the Armed-Forces (Jammu & Kashmir) Special Powers Act, 1990?"

Learned counsel for the parties agreed that no oral or documentary evidence is led by the parties as in fact the issues raised are the legal ones.
List this matter in the second week of November, 2003 for directions.

(Alka Dudeja) (Suraj Parkash)
Court Master Court Master