

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14632/2012

(From the judgement and order dated 02/04/2012 in CWP No.2238/1989 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

TARSEM KUMAR & ORS.

Petitioner(s)

VERSUS

BHATINDA IMPROVEMENT TRUST & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and with prayer for interim relief and office report)

WITH SLP(C) NO. 15859 of 2012

(With appln. for exemption from filing OT and with prayer for interim relief and office report)

SLP(C) NO. 15912 of 2012

(with appln. for substitution and exemption from filing OT and c/delay in filing substitution application and with prayer for interim relief and office report)

S.L.P.(C)...CC Nos. 8763-8764 of 2012

(for substitution and permission to file SLP and c/delay in filing application for substitution and with prayer for interim relief and office report)

S.L.P.(C)...CC NO. 9157 of 2012

(for substitution and permission to file SLP and c/delay in filing substitution application and with prayer for interim relief and office report)

S.L.P.(C)...CC Nos. 9280-9281 of 2012

(for substitution and permission to file SLP and c/delay in filing substitution application and with prayer for interim relief and office report)

S.L.P. (C) No...CC No. 9484 of 2012

[with appln. for permission to file SLP and substitution and c/delay in filing substitution application and office report)

Date: 09/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

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SLP 8763-64

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Nikhil Nayyar, Adv.

Ms. Pritha Srikumar Iyer, Adv.

Mr. T.V. S. Raghavendra Sreyas, Adv.

SLP 15859, 15912,
CC 9157, CC 9280-
9287

Mr. Nidesh Gupta, Sr. Adv.

Mr. Nikhil Nayyar, Adv.

Ms. Pritha Srikumar Iyer, Adv.

Mr. T.V.S. Raghavendra Sreyas, Adv.

SLP..CC 9484 Mr. J.L. Gupta, Sr. Adv.
Ms. Kavita Wadia, Adv.

SLP 14632 Mrs. Rekha Palli, Adv.

For Respondent(s)
SLP 14632, 15839 Mr. Salil Sagar, Sr. Adv.
etc. Mr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv. for
M/s. Hingorani & Associates

SLP 14632, CC 8763 Mr. Aditya Singh, Adv. for
M/s. Hingorani & Associates

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

S.L.P. (C) No.../2012 [C.C. Nos. 8763-8764]
Madan Lal and others vs. Bhatinda Improvement Trust and
others:

Inter alia, the contention of Mr. Mukul Rohtagi,
learned senior counsel for the petitioners is that notices
under Section 38 of the Punjab Town Improvement Act, 1922
(for short "the Act") were not served upon all the
petitioners and rather not a single petitioner was served.

It transpires from the paragraphs 13 and 14 of the
counter-affidavit filed by the respondent No. 1 - Bhatinda
Improvement Trust, Bhatinda to the writ petition before the
High Court that notices under Section 38 of the Act were

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duly served on the petitioner Nos. 1,2, 7 and 8 and the
husband of the petitioner No. 2 and Madan Lal filed
objections under Section 38 of the Act which were duly
considered.

The Single Judge has recorded a definite finding that
notices under Section 38 of the Act were not served on the
petitioners whereas the Division Bench has taken a contrary
view.

Since a definite and firm stand has been set-up by
the respondent No.1 - Bhatinda Improvement Trust, Bhatinda
before the High Court that notices under Section 38 of the
Act were duly served on four petitioners namely; petitioner

Nos. 1,2,7 and 8 and that two of them had also filed objections under Section 38 of the Act, we would like to verify the above statement made in the counter-affidavit filed on behalf of Bhatinda Improvement Trust, Bhatinda before the High Court from the original record.

We, accordingly, direct the respondent No.1 to keep ready the original record concerning service of notices under Section 38 of the Act on the petitioner Nos. 1,2, 7 and 8 and objections filed by two of them.

Advocate-on-record for the respondent No.1 shall furnish Photostat copy of the above relevant record to the advocate-on-record for the petitioners at least three days before the next date of hearing.

List the matter on July 30, 2012 along with other connected matters.

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(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master