

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

CIVI L AP P E A L NO(s). 6 4 4 4 - 6 4 4 5 OF 2 0 0 1

P R I T A M S I N G H & O R S .

Appellant (s)

V E R S U S

S T A T E O F H A R Y A N A & O R S .

Respondent(s)

(With appl(s) for permission to file addl. counter affidavit  
and with prayer for interim relief and with office report )

Date: 28/ 1 1 / 2 0 0 7 These Appeals were called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E A.K. MATHU R  
HON' B L E MR. JUS T I C E M A R K A N D E Y K A T J U

For Appellant(s)

Mr. Mahendra Anand, Sr. adv.  
Mr. Amit Pr at ap Sahuna k, Adv.  
Mr. Aditya Ku m a r Choudhary, Adv.  
Mr. Ugra Shan k a r Pr a s a d, Adv.

For Respondent(s)

Mr. Manoj Swarup, Adv.  
Mr. Manjit Singh, AAG  
Mr. T.V. George, Adv.

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

Application for permission to file additional counter affidavit is  
allowed. The additional counter affidavit is taken on record.

The appeals are allowed in terms of the signed order. No  
order as  
to costs.

(Ajay Kr. Jai n)  
Court Master  
aster

(Vijay Dh  
Court M

(Signed order is placed on the file)  
I N T H E S U P R E M E C O U R T O F I N D I A  
CIVI L AP P E L L A T E J U R I S D I C T I O N

CIVI L AP P E A L NOS. 6 4 4 4 - 6 4 4 5 OF 2 0 0 1

Prita m Singh & Ors.

.... Appellants

Versus

State of Haryana & Ors.

.... Respondents

O R D E R

Heard learned counsel for the parties.

These appeals by special leave are directed against the judgment and order dated 26.04.2000 passed by a Division Bench of the Punjab & Haryana High Court and the order dated 03.07.2000 passed in Review Application. The impugned order dated 26.04.2000 does not appear to be a detailed speaking order. At the time of issuance of initial notice on 15.1.2001 this Court passed the following order:-

"Delay condoned.

It is submitted by learned Senior counsel appearing for the petitioners that the Jamabandi of the land comprised in Kharsra No. 19, Village Urjani, Srl. No. 406, Tehsil Jagadhri, District Ambala, was not considered by the Commissioner when he passed the order dated 22.9.1999.

Issue notice to the respondents. Status quo as regards the possession on the spot shall be maintained until further orders."

Therefore, it appears that some revenue record was produced before the Court and on that basis notice was issued. Mr. Manoj Swarup, learned counsel appearing for respondent states that the document shown at the time of admission stage was not a genuine document and according to him there is interpolation and he has tried to produce the original record before us. On the other hand it is contended by learned counsel for the appellants that the interpolation in the said document has been done by the State.

Be that as it may, we are not going to enter into this controversy and it will be appropriate to remit this case to the High Court as it will have the benefit of going through the entire record and the document said to be not a genuine document. If this is not a genuine document, it will be open for the High Court to come to its own conclusion and if it is a genuine document then the High Court will consider the same and record a finding accordingly. Since livelihood of the poor cultivators is involved, therefore, looking to the interest of justice we set aside the impugned orders dated 26.04.2000 and 03.07.2000 and remit this matter back to the High Court. The High Court will go through the records of the case and decide the matter afresh taking into consideration the material placed before it and reach a proper conclusion and pass a detailed speaking order. We make it clear that we have not expressed any opinion whatsoever on the merits of the matter. The parties are at liberty to advance all arguments they choose

before the High Court. Since the matter is quite an old one, it is in the interest of justice that the case may be decided expeditiously by the High Court. Accordingly, we request the High Court to dispose of the matter as expeditiously as it can.

Needless to mention, the order of status quo granted by this Court on 15.11.2001 shall continue to operate till the disposal of the writ petition before the High Court.

The appeals are allowed. No order as to costs.

(A.K.MATHUR) .....

(MARKANDEYKATJU) .....

New Delhi  
November 28, 2007