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C.A.No. 7228-7229 OF 1999
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7228-7229 OF 1999

DALIP SINGH APPELLANT
VERSUS

STATE OF PUNJAB & ORS. RESPONDENTS

O R D E R

Heard learned counsel for the parties.

The learned counsel for the appellant, during the course of argument pointing to Ground (G) in the special leave petition, urged that it is appropriate that the High Court considers the effect of amendment of Section 2(g) (ii-a) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act') and then disposes of the case. The Learned counsel submitted that when the writ petition was filed, this amendment was not available because this amendment was made in 1995. Further, the amendment came into force long after the impugned judgment was delivered. The learned counsel submitted that the writ petition has to be examined in the light of the subsequent development, i.e., the amendment having come into force.

..2/-

.2.

Learned counsel for the respondents submitted that the amendment of Section 2(g)(ii-a) of the Act has no application to the facts of the present case.

We do not wish to express one way or the other on the merits of the respective contentions. All that is required to be done is to set aside the impugned order so that the writ petition may be disposed of afresh having regard to the amendment of Section 2(g)(ii-a) of the Act. Whether this amendment covers the case of the appellant or not, is a matter to be examined by the High Court on the basis of the material already placed on record and in the light of the contentions raised. In this view, the appeals are allowed, the impugned order is set aside and the writ petition is remitted to the High Court for fresh disposal in view of what is stated above. We hope the High Court shall dispose of the writ petition as expeditiously as possible looking to long pendency of the case.

..3/-

.3.

We make it clear that the status quo as to possession in relation to the land in question, as existing today, shall be maintained till the disposal of the writ petition.

.....J.
[SHIVARAJ V. PATIL]

New Delhi,
December 01, 2004.
ITEM NO.107

.....J.
[B.N. SRIKRISHNA]
COURT NO.6 SECTION IV

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

CIVIL APPEAL NOS. 7228-7229 OF 1999

DALIP CHAND Appellant (s)

VERSUS

STATE OF PUNJAB & ORS. Respondent(s)
(With office report)

Date: 01/12/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mrs. Amita Gupta, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Adv.
for Mr. Ugra Shankar Prasad, Adv.

Mr. Arun K. Sinha, Adv.
Mr. Rakesh Singh, Adv.
for Ms. Naresh Bakshi, Adv.

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

Heard learned counsel for the appellant for 15 minutes and learned counsel for the respondents
for 5 minutes.
The appeals are allowed in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)