

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10947/2006

(From the judgement and order dated 26/05/2006 in CWP No. 753/2006 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SURINDER SINGH & ORS. Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS. Respondent(s)

(With prayer for interim relief )  
(FOR FINAL DISPOSAL)

Date: 01/09/2008 This Petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Debasis Misra, Adv.  
Mr. Ramesh Singh, Adv.  
Mr. S.S. Jauhar, Adv.

For Respondent(s) Mr. Ajay Pal, Adv.  
Mr. D. Mahesh Babu, Adv.  
Mr. Bhupender Yadav, Adv.  
Ms. Asha Kochchar, Adv.  
Mr. R.C. Kohli, Adv.  
Mr. Jagjit Singh Chhabra, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted. Heard the parties.  
Appeal is disposed of in terms of the signed order.

( Ravi P. Verma ) ( Anand Singh )  
Court Master Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5473 OF 2008  
[Arising out of SLP(C) NO.10947 of 2006]

SURINDER SINGH & ORS. ....APPELLANT(S)

Versus

STATE OF PUNJAB & ORS. ....RESPONDENT(S)

ORDER

Leave granted. Heard the parties.

2. The appellants, who are the residents of a residential area, filed a writ petition objecting to the construction of a hospital coming up in one of the plots (Plot No.39) on the ground that no hospital can come up in a residential plot in a residential area. The High Court, by interim order dated 19.1.2006, granted stay of further construction. Subsequently on 26.5.2006, while admitting the writ petition, the High Court vacated the interim stay but directed that any construction on the site shall be subject to the final decision in the writ petition. It also recorded the undertaking given on behalf of the fourth respondent that in case the appellants succeed in the writ petition, he shall demolish the construction raised by him. The Court also directed that the matter should be listed for final disposal within one year.

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3. The grievance of the appellants is that if construction which is proceeding at a fast pace is completed and if the hospital starts functioning, then the very purpose of the writ petition will be defeated.

4. We find that the High Court itself had directed that the petition should be listed for final disposal within one year. As on date, more than two years have elapsed. In the circumstances, we feel that the interim order requires a slight modification to safeguard the interest of both parties.

5. We therefore request the High Court to hear and dispose of the writ petition early preferably within four months. Pending final decision, the respondents shall not commence any kind of activity in the building under construction even if it is completed before the decision in the writ petition. With the above modification to the impugned order, this appeal is disposed of.

.....J.  
( R.V. RAVEENDRAN )

New Delhi;  
September 01, 2008.

.....J.  
( J.M. PANCHAL )