

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

CIVIL APPEAL NO(s). 2311 OF 2004

NIRBHAY SINGH & ORS. Appellant (s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(With office report)

WITH Civil Appeal NO. 2262 of 2004
(With office report)

Date: 14/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Mahabir Singh, Sr. Adv.
Mr. Nikhil Jain, Adv.
Mr. Rakesh Dhiya, Adv.
Mr. D. Mahesh Babu, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Fakkruddin, Sr. Adv.
Mr. Bharat Bhushan, Adv.
Mr. Gautam Talukdar, Adv.
Mr. Narender V., Adv.
Mr. Prem Malhotra, Adv.

For Respondent(s) Mr. Swarup Singh, Sr. Adv.
Dr. Meera Agarwal, Adv.
Mr. Ramesh Chandra Mishra, Adv.

Mr. Harikesh Singh, Adv.
Mr. Kamal Mohan Gupta ,Adv

:1:

:2:

Rr-Ex-Parte

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

The Appeals are disposed of. No costs.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2311 OF 2004

NIRBHAY SINGH & ORS.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

WITH

Civil Appeal NO. 2262 of 2004

O R D E R

Heard.

These Appeals, by special leave, have been filed against the impugned judgment of the High Court of Punjab & Haryana dated 26.05.2003 passed in L.P.A. No. 72 of 2003 in C.W.P. No. 2009 of 1983 and L.P.A. No. 74 of 2003 in C.W.P. No. 2040 of 1983.

The facts of the case have already been mentioned in the impugned judgment of the High Court and hence we are not repeating them here.

The short point involved in these cases is whether possession of the land was taken over on 05.01.1963 in pursuance of the order passed under The Pepsu Tenancy and Agricultural Lands Act, 1955 (for short 'the Act').

:1:

The contention of the learned counsel for the appellant is that actual physical possession was not taken over and, therefore, there was no vesting under Section 32-E of the Act. The argument of the learned counsel for the respondents is to the contrary.

Having heard the learned counsel and having perused the record, we are of the opinion that under Section 32-E of the Act the word "possession" means 'actual physical possession'

and not mere paper possession. Hence it has to be decided whether or not actual physical possession was taken over by the State Government. In our opinion, this needs to be examined after considering all the relevant material, which has not been done in the instant case.

Hence, we dispose of these Appeals accordingly and set aside the impugned judgment of the High Court and remand the matter to the High Court to consider and decide the matter afresh in accordance with law after hearing learned counsel for the parties concerned and after considering all the relevant material. Since the matter is fairly very old, we request the High Court to expedite the hearing of the case.

No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

NEW DELHI
SEPTEMBER 14, 2010.