

\$

C.A.No. 8671 OF 1997  
ITEM No.105

Court No.5

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 No.8671/1997

JALAU R SINGH

Appellant (s)

VERSUS

SHROMANI GURUDWARA PRAB. COMMITTEE & ANR.

Respondent (s)

(With appln.(s) for permission to submit additional documents and with  
office report)

Date : 13/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. H.S. Phoolka, Sr. Adv.  
Mr. Virender Rawat, Adv.  
Mr. Siddhartha Shankar Ray, Adv.  
Mr. Sudhir Nandrajog, Adv.

For Respondent (s)Mr. Har Dev Singh, Sr. Adv.  
Ms. Madhu Moolchandani, Adv.

Mr. H.M. Singh,Adv.  
Ms. Shabana Saifi,Adv.  
Mr. Kaushal Yadav, Adv.  
Mr. Anil Hooda, Adv.  
Mr. R.S. Suri, Adv.

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

Heard parties for half an hour.

The Appeal stands dismissed in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)  
Court Master

(Prem Prakash)  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8671 OF 1997

JALAU R SINGH

APPELLANT(s)

VERSUS

O R D E R

This appeal is against a judgment dated 8th July, 1997 wherein the Letters Patent Appeal has been summarily dismissed with a one line order.

Briefly stated the facts are as follows:

The Appellant claims to be the Mohatmin of the concerned Institution. On 10th July, 1959, a Notification under Section 3 of the Sikh Gurudwaras Act was published. A Second Notification was then published on 23rd February, 1960. This Notification contained a list of the properties proposed to be notified as Sikh Gurudwaras. That list admittedly included the concerned Institution. Thereafter on 23rd January, 1961, a Notification under Section 5 of the Act was published calling for objections. As no objections were received, a final Notification was then issued declaring, amongst others, this Institution as a Sikh Gurudwara.

The respondents then filed a Suit claiming possession. That Suit was, after a full contest, decreed on 29th July, 1965. The Appellant filed a First Appeal to the High Court which was dismissed on 28th October, 1975.

Thereafter, the 1st Respondent took out execution proceedings. The Appellant filed objections to the execution proceedings. The objections were dismissed on 24th March, 1979. The Revision filed by the Appellant was dismissed on 24th November, 1979. A Special Leave Petition has also been dismissed.

For the first time in 1985, the Appellant files Writ Petition No.11972 of 1985 in this Court.

On 5th October, 1988 that Writ Petition was allowed to be withdrawn with liberty to apply to the High Court. Thereafter, this Writ Petition has been filed challenging the constitutional validity of the Act. The challenge is on the ground that the Act does not provide for notice to interested parties and therefore is violative of the principles of natural justice and of Articles 14 and 16. A Single Judge of the High Court has dismissed the Writ Petition. As stated above, the Letters Patent Appeal has been dismissed by the impugned order.

In our view the Appellant is guilty of gross laches and delay. On that ground itself he is not entitled to any relief. Even presuming that earlier the Appellant had not been aware of the Notifications, the moment the Suit was filed, he became aware of the Notification. It was clear that in that Suit there could be no challenge to the constitutional validity of the Act. There is no reason why the Appellant did not challenge the constitutional validity of the Act earlier. It does appear that Writ Petition has been filed belatedly only with a view to delay the execution of a decree which has been passed against the Appellant.

We, therefore, see no reason to interfere. The Appeal stands dismissed. There will be no order as to costs.

.....J.  
(S.N. Variava)

.....J.  
(H.K. Sema)  
New Delhi;  
January 13, 2004.