

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

Petition(s) for Special Leave to Appeal (Civil) No(s).16791/2011

(From the judgement and order(s) dated 19/04/2011 in CWP No.5512/2001 of  
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KARNAIL KAUR & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) on behalf of respondent Greater Mohali Area Development  
Authority for permission to complete the remaining development works in  
Sectors 76-80 of SAS Nagar, Mohali and permission to file addl.documents  
and exemption from filing c/c of the impugned Judgment and with prayer for  
interim relief and office report)

WITH

SLP(C) NO. 16793 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
permission to bring on record the additional facts and with prayer for  
interim relief and office report)

S.L.P.(C) NO. 757/2013

(With application for permission and bringing on record the additional  
facts and with prayer for interim relief and office report)

S.L.P.(C) NO. 758/2013

(With application for permission and bringing on record the additional  
facts and with prayer for interim relief and office report)

SLP(C) NO. 17141 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO. 17237 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO. 18072 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO. 19807 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
permission to place additional documents on record and with prayer for  
interim relief and office report)

SLP(C) NO. 21127 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO. 24798 of 2011(With appln.(s) for permission and with prayer for  
interim relief and office report)

SLP(C) NO. 26534 of 2011

(With prayer for interim relief and office report)

SLP(C) NO. 29427 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO.32043 of 2011

(with prayer for interim relief and office report)

SLP(C) Nos. 761-762 of 2013 (with office report)

SLP(C) Nos. 763-765 of 2013 (with office report)

SLP(C)No.23431/2012 (with office report)

SLP(C)No.23459/2012 (with office report)

SLP(C) No.29639/2011

(with appln(s) for permission to file additional documents and with prayer  
for interim relief and office report)

SLP(C) NO.1468/2012

(with prayer for interim relief and office report)

SLP(C) NO.5700/2012 (with office report)

SLP(C) no.5701-5705/2012 (with office report)

Date:09/07/2013 These Petitions were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Neeraj Jain, Sr.Adv.  
Mr. Ajay Sharma, Adv.  
  
Mr. A.K. Chopra, Sr. Adv.  
Mr. G.S.Sullar, Adv.  
Mr. P.N. Puri, Adv.  
Mrs. Reeta Dewan Puri, Adv.  
  
Mr. R.K. Kapoor, Adv.  
Ms. Shiwani Mahipal, Adv.  
Ms. Shweta Kapoor, Adv.  
Ms. Rekha Giri, Adv.  
Mr. Ranvijay, Adv.  
Mr. Rajat K, Adv.  
Mr. Parikshit Mahipal, Adv.  
  
Mr. Mohit Jaggi, Adv.

For Respondent(s) Mr. V.K. Bali, Sr. Adv.  
Mr. Sanchar Anand, Adv.  
  
Mr. R.P. Bhatt, Sr.Adv.  
Ms. C.K. Sucharita,Adv.  
Mr. Shekhar Verma, Adv.  
Mr. Pallav Shishodia, Sr. Adv.  
Mr. Rajesh Srivastava, adv.  
Mr. Gaurav Agarwal, Adv.  
Mr. R.P. Singh, Adv.  
  
Mr. A.V. Palli, Adv.  
Mr. Anupam, Adv.  
Ms. Rekha Palli, AOR

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

These petitions are directed against order dated 19.4.2011 passed by the Division Bench of the Punjab and Haryana High Court dismissing the writ petitions filed by the petitioners wherein they had questioned the acquisition of their land.

On 25.4.2013, the Court had, after hearing the counsel for the parties for some time, passed the following order:

"At the threshold of hearing, counsel assisting the learned Advocate General, Punjab handed over an affidavit of Shri Prithi Chand, Special Secretary to the Government of Punjab, Department of Housing and Urban Development, Chandigarh.

Thereafter, the learned Advocate General addressed the Court for about half an hour on the issue of re-allotment of land to Radha Swami Satsang and Judicial Officers Housing Co-operative Society.

S/Shri Neeraj Jain and A.K. Chopra, learned senior counsel for some of the petitioners made their submissions.

In the midst of his arguments, Shri A.K. Chopra, learned senior counsel for the petitioner in S.L.P.(C) No. 19807 of 2011 pointed out that the statement contained in paragraph 4 of the

affidavit of Shri Prithi Chand is factually incorrect. In support of his submissions, Shri Chopra referred to some of the special leave petitions and pointed out that the deponent who has filed the affidavit on behalf of the Government of Punjab has wrongly stated that Karnail Kaur and family, Gurnam Singh and family, Jasmer Singh and family and Bhagat Singh and family own 102.5 acres land. According to Shri Chopra the writ petitions were filed before the High Court by Karnail Kaur and co-sharers, Gurnam Singh, Jasmer Singh, Bhagat Singh and their co-sharers and not only by the family members. He also stated that most of the co-sharers own less than 2 to 3 acres of land.

The learned Advocate General gave out that there might be an apparent mistake in the information incorporated in the affidavit of Shri Prithi Chand.

In view of the above, we have no option but to adjourn the case.

List in the month of July, 2013."

On 4.7.2013, learned counsel for the respondents filed affidavit dated 2.7.2013 of Shri Pirthi Chand, Special Secretary to the Government of Punjab, Department of Housing and Urban Development, Chandigarh. In paragraphs 2 and 3 of his affidavit, Shri Pirthi Chand has made the following statements:

"2. That the answering respondent no. 1 craves leave to file the present affidavit to clarify certain inadvertent factual errors in paragraph 4 of the counter-affidavit dated 24.4.2013 filed on behalf of the said respondent no.1 and to place on record the details of the petitioner-landowners in the above special leave petition and the connected cases pending before this Hon'ble court.

3. That it is submitted that petitioner-landowners in the above special leave petition belong to one family. However in paragraph 4 of the counter affidavit dated 24.4.2013 filed on behalf of the answering respondent - State of Punjab - the petitioner - land owners in four special leave petitions interalia SLP (C) No: 16793 of 2011: Pal Singh and others Vs State of Punjab and Ors; SLP (C) No: 757 of 2013: Jasmer Singh and others- Vs -State of Punjab and Ors; SLP (C) No: 758 of 2013: Bhagat Singh and Ors Vs State of Punjab & Ors and the above petition, were inadvertently described as family members."

The above statements have been verified on the basis of knowledge derived by the officer from the official records.

At the hearing, we enquired from Shri V.K. Bali, learned senior counsel appearing for the State of Punjab whether in the official records the SLP petitioners have been described as family members. In reply, the learned senior counsel candidly stated that except petitioner no.1, no-one has been described as family members of the landowners.

In our opinion, the casualness with which an officer of the rank of Special Secretary to the Government has filed affidavit before this Court is reprehensible. If any low ranking officer had filed an affidavit of this nature, this Court may have ignored the mistake or blunder committed by the official, but if such things emanate from senior officers to the Government, serious view has got to be taken.

Let notice be issued to Shri Pirthi Chand, Special Secretary to the Government of Punjab to show cause as to why the

Court may not pass appropriate order either for initiation of proceedings against him under the Contempt of Courts Act, 1971 or for his prosecution for filing a false affidavit before this Court.

Arguments heard, which remained inconclusive.

For further arguments, the case is adjourned to 10.07.2013.

The Registry is directed to send a copy of this order to Shri Pirthi Chand, Special Secretary to the Government of Punjab, Department of Housing and Urban Development, Chandigarh by FAX.

(Parveen Kr. Chawla)  
Court Master

(Usha Sharma)  
Court Master