

SLP(C)No. 17098 OF 2003

ITEM No.51

Court No. 7

SECTION IVB
A/N MATTER

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.17098/2003

(From the judgement and order dated 12/08/2003 in CWP 12625/2003
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SULTAN SINGH & ORS.

Petitioner (s)

VERSUS

DY. COMMNR. & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 23/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Mahabir Singh,Adv.
Mr. Rakesh Dahiya,Adv.
Mr. Nikhil Jain,Adv.
Mr. Gagan Deep Sharma,Adv.

For Respondent (s)Mr. Manoj Swarup,Adv.
No.3:

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

Heard the learned counsel for the parties for a while.

Leave granted.

The civil appeal is disposed of.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1221 OF 2004
(Arising out of S.L.P. (C) No. 17098 of 2003)

Sultan Singh & Ors. ...Appellant(s)

Versus

Dy. Commissioner & Ors. ...Respondent(s)

O R D E R

Leave granted.

It is not disputed that the writ petition is pending disposal before the High Court. In the impugned order, it is stated that it shall not be construed as stay on the eviction of the petitioner in pursuance of Annexures P-4 and P-6. If the petitioners are evicted when the writ petition is pending consideration on merits, it may affect the possession of the petitioners on the land in question. The learned counsel for the petitioner contended that the High Court has not examined whether the land in question falls in the category of Shamilat Deh or not. On the other hand, the learned counsel for Respondent No.3 contended that the authorities have found against the petitioners on this aspect. We do not wish to deal with this contention taking

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note of the fact that the writ petition is pending before the High Court. In our view, the High Court should examine the respective contentions on merits, including whether the land in question falls within the category of Shamilat Deh or not. Till such time, the writ petition is disposed of, it is appropriate that status quo existing on the land in question is to be maintained. In this view, we modify the impugned order only as regards eviction of the petitioners from the land in question until the disposal of the writ petition by the High Court. The civil appeal is, accordingly, disposed of.
No costs.

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

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
February 23, 2004.