

ITEM NO.1 COURT NO.4 SECTION IVB

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

IA Nos.2-3 In Petition(s) for Special Leave to Appeal (Civil)
No(s).18357-18358/2009

(From the judgement and order dated 22/05/2008 in CWP No. 8740/2007
and final order dated 16.02.2009 in RA No. 23/2009 of The HIGH
COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ADDL.CHIEF COMM. GMADA & ANR. Petitioner(s)

VERSUS

JASPAL SINGH & ANR. Respondent(s)

(With appln(s) for recalling the court's order dated 14.02.2011 and
office report)

Date: 18/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
(VACATION BENCH)

For Petitioner(s) Ms. Naresh Bakshi, Adv.

For Respondent(s)

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

The writ petition filed by respondent Nos.1 and 2 against
the order of resumption of Shop-cum-Flat No.134, Phase-VII,
S.A.S.Nagar, Mohali passed by Estate Officer, PUDA as also the
appellate order passed by Additional Chief Administrator, PUDA and
revisional order passed by the State Government were set aside by
the Division Bench of the High Court on 22.5.2008 on the ground
that the original order was passed in violation of the rules of
natural justice.

2

Review Application filed by the petitioners was dismissed by
the Division Bench of the High Court on 22.5.2008 with liberty to
the petitioners to pass fresh order after issuing show cause notice
to respondent Nos.1 and 2.

The petitioners challenged the order of the High Court in
S.L.P.(C) Nos.18357-18358/2009. They also filed an application for
condonation of 317 days delay. By an order dated 21.7.2009, this

Court condoned the delay, issued notice and stayed the order of the High Court. Simultaneously, the petitioners were directed to maintain the status quo.

On 12.11.2009, the Registrar took cognizance of the office report that process fee and spare copies of the special leave petition were not filed.

On 15.1.2010, the petitioners filed process fee along with two spare copies (instead of four spare copies).

On 11.2.2010, no one appeared on behalf of the petitioners before the Chamber Judge. Notwithstanding this, four weeks' time was granted to the petitioners for filing process fee and spare copies of the S.L.P. Two weeks' further time was granted for the same purpose on 5.4.2010 subject to the condition of deposit of Rs.2,000/- in the Supreme Court Employees Mutual Welfare Fund.

For the next six months, the case was not listed either before the Registrar or the Court despite the fact that default report was submitted by the office on 9.6.2010. On 4.10.2010, the Chamber Judge granted two weeks' time for compliance of office report dated 9.6.2010. On 16.12.2010, the Chamber Judge condoned the delay in

3

filing the process fee and granted four weeks' time to deposit the amount of cost.

On 14.2.2011, the Chamber Judge accepted the prayer made by the petitioners' counsel for deposit of cost of Rs.10,000/- by 18.2.2011 with the rider that in case of non-compliance, the special leave petitions shall stand dismissed.

The petitioners have now filed an application for recall of order dated 14.02.2011 by asserting that the office reports regarding non-filing of process fee and spare copies are factually incorrect.

We have heard Ms.Naresh Bakshi and perused the record. The assertion made in the application that the petitioners had filed the requisite process fee and spare copies of the special leave petition is incorrect because instead of filing four copies, the petitioners had filed only two copies and persisted with this

default for more than one year.

Learned counsel submitted that non-filing of two spare copies of the special leave petition was inconsequential because respondent Nos.3 and 4 are proforma respondents, but we have not felt convinced. Once the petitioners had chosen to implead respondent Nos.3 and 4 as parties, it was their duty to take steps for service of notice upon those respondents. Their failure to do so cannot be justified on any count.

The interlocutory applications are accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master