

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.7128-7130 OF 1999

IQBAL SINGH

Appellant (s)

VERSUS

JOINT DEV.COMNR.,(I.R.D.) & ORS.

Respondent(s)

(With office report)

Date: 01/12/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)

Mr. Mahabir Singh,Adv.

For Respondent(s)

Mr. Ravindra Bana,Adv.

Ex-parte

UPON hearing counsel the Court made the following

O R D E R

2.20 p.m. to

Heard the learned counsel for the parties from 1

12.45 p.m.

The civil appeals are ordered.

No costs.

[T.I. Rajput]
Court Master

[Shelly Sengupta]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7128-7130 OF 1999

Iqbal Singh

...Appellant(s)

Versus

Joint Dev. Commnr. (I.R.D.) & Ors.

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Three writ petitions were disposed of by the High Court. The main order

passed is in Writ Petition (C) No.7233 of 1998. The other two writ petitions were

disposed of by just referring to the order made in Writ Petition (C) No.7233 of 1998.

Even the order made in Writ Petition (C) No.7233 of 1998 does not reflect the

respective contentions of the parties. From the records, it appears that the parties

have been litigating in several proceedings, including two civil suits earlier. In our

view, the High Court ought to have dealt with the respective contentions of the

parties on merits and then disposed of the writ petitions. Of course, it was open to

the High Court to pass a common order or to pass a main order dealing with the

respective contentions of the parties and then dispose of the other writ petitions in

the light of the same. But, as already indicated above, even the main order does not

deal

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with the respective contentions of the parties, except saying that the question of title

did arise as the petitioner in the writ petition has taken the land in question on lease

from the Gram Panchayat. Under the circumstances, the proper course to be

adopted is to set aside the impugned orders and to remit the writ petitions to the

High Court to deal with them on merits afresh, having regard to the respective

contentions of the parties.

The civil appeals are, accordingly, ordered, in view of what is stated

above.

At this stage, the learned counsel for the respondents-Gram Panchayat

submitted that the matter is pending for quite a long time and after remand, the High Court may dispose of the writ petitions early. Having regard to the long pending litigation between the parties before different fora, we request the High Court to dispose of the writ petitions as expeditiously as possible, preferably within a period of six months from today.

No costs.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,

December 01, 2004.