

SLP(C)No. 22907 OF 2003  
ITEM No.56

Court No. 5

SECTION IVB  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.22907/2003

(From the judgement and order dated 11/02/2002 in CWP 7787/00  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB & ORS.

Petitioner (s)

VERSUS

SAMADH BABA BHAI SANGTIAN & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 09/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. JK Bhatia, Adv.

For Respondent (s)Mr. AV Palli, Adv. for  
Mrs.Rekha Palli,Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the signed order. No costs.

(D.L.Chugh) (Vijay Aggarwal)  
Court Master Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.868 OF 2004  
(Arising out of SLP(C) No.22907 of 2003)

STATE OF PUNJAB & ORS.

PETITIONERS

versus

SAMADH BABA BHAI SANGTIAN & ANR.

RESPONDENTS

O R D E R

Leave granted.

The above appeal has been filed against the order dated 11.2.2002 in Civil Writ Petition No.7787 of 2000 passed by a Division Bench of the Punjab High of Punjab and Haryana at Chandigarh w hereunder apart from allowing the claim of the writ petitioner by quashing the order impugned therein, notice has been directed to be issued to the then Deputy Commissioner, Sangrur callin g upon him to show cause as to why he may not be saddled with costs.

When the special leave petition came up for orders on admission, notice was issued on 28.11.20 03 confined only to that portion of the order directing notice to the then Deputy Commissioner for the purpose of imposing costs on him. Notice has also been served and the respondent has entered appearance through counsel.

Heard learned counsel for the parties appearing on either side.

Learned counsel for the respondent submits that he is not very particular in contesting the cl aim as to the said directions to issue notice to the Deputy Commissioner for imposing costs o n him and leaves the matter to the discretion of this Court. On a careful consideration of t he matter we are of the view that there is no justification whatsoever on the facts and circum stances of the case to proceed against the then Deputy Commissioner with the proposed action t o saddle him with costs. The Deputy Commissioner, as the administrative head of the Distric t Revenue Administration, cannot be said to be disentitled to bring to the notice of the Gover nment the mismanagement of public trust for appropriate action, though it is ultimately for the competent authority to act on it or not. Hence, there appears to be no need to proceed ag ainst the then Deputy Commissioner. In the light of the above this appeal is partly allowed to the limited extent of setting aside the directions in respect thereof, without interfering with the order of the High Court, as to its decision of merits. No costs.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
FEBRUARY 09, 2004