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W.P(C)No. 302 OF 2001  
ITEM No.1

Court No. 4

SECTION X  
& 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

Writ Petition(Civil) No.302/2001

JAVED & ORS.

Petitioner (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent (s)

( With Appln(s). for stay & office report )  
( For Final Disposal )  
WITH

SLP(C)No.10189/2001, SLP(C)No.1020/2002, SLP(C)No.10551/2001, SLP(C)No.10583/2001,  
SLP(C)No.10725/2001, SLP(C)No.10729/2001, SLP(C)No.10996/2001,  
SLP(C)No.11002/2001, W.P(C)No.112/2002, W.P(C)No.1/2002, SLP(C)No.12259/2001,  
SLP(C)No.12313-12314/2001, W.P(C)No.127/2002, SLP(C)No.12779/2001,  
W.P(C)No.128/2002, W.P(C)No.130/2002, SLP(C)No.13046/2001, SLP(C)No.13156/2001,  
SLP(C)No.13185/2001, SLP(C)No.13398/2001, SLP(C)No.13430/2001,  
SLP(C)No.13595/2001, W.P(C)No.144/2002, SLP(C)No.14547/2001, SLP(C)No.14686/2001,  
SLP(C)No.1483/2002, SLP(C)No.16477/2001, SLP(C)No.16483/2001, W.P(C)No.168/2002,  
SLP(C)No.16892/2001, W.P(C)No.169/2002, SLP(C)No.17156/2001, SLP(C)No.17247/2001,  
SLP(C)No.17497/2001, SLP(C)No.1768/2002, W.P(C)No.177/2002, W.P(C)No.178/2002,  
SLP(C)No.18020/2001, SLP(C)No.1820/2002, SLP(C)No.18263/2001, W.P(C)No.183/2002,  
W.P(C)No.184/2002, W.P(C)No.185/2002, SLP(C)No.18554/2001, SLP(C)No.18557/2001,  
SLP(C)No.18636/2001, SLP(C)No.19139/2001, W.P(C)No.19/2002, SLP(C)No.19211/2001,  
SLP(C)No.19244/2001, SLP(C)No.2022/2002, SLP(C)No.2188/2002, SLP(C)No.22278/2001,  
SLP(C)No.22309/2001, SLP(C)No.22312/2001, SLP(C)No.2237/2002, SLP(C)No.22524/2001,  
SLP(C)No.22574/2001, SLP(C)No.22672/2001, W.P(C)No.258/2001, W.P(C)No.269/2001,  
W.P(C)No.30/2002, SLP(C)No.3028/2002, W.P(C)No.315/2001, W.P(C)No.316/2001,  
SLP(C)No.3214/2002, W.P(C)No.32/2002, W.P(C)No.329/2001, W.P(C)No.362/2001,  
W.P(C)No.363/2001, W.P(C)No.395/2001, W.P(C)No.403/2001, W.P(C)No.420/2001,  
W.P(C)No.438/2001, SLP(C)No.4409-4411/2002, SLP(C)No.447/2002, W.P(C)No.475/2001,  
W.P(C)No.49/2002, W.P(C)No.495/2001, SLP(C)No.497/2002, W.P(C)No.50/2002,  
W.P(C)No.507/2001, W.P(C)No.508/2001, SLP(C)No.5207/2002, SLP(C)No.5374/2002,  
W.P(C)No.538/2001, W.P(C)No.539/2001, SLP(C)No.5517/2002, W.P(C)No.559/2001,  
W.P(C)No.560/2001, W.P(C)No.561/2001, W.P(C)No.567/2001, W.P(C)No.579/2001,  
SLP(C)No.6186/2002, SLP(C)No.6397/2002, SLP(C)No.6427/2002,  
SLP(C)No.6466/2002, SLP(C)No.6537/2002, SLP(C)No.6769/2002, W.P(C)No.68/2002,  
W.P(C)No.71/2002, SLP(C)No.7527-7528/2001, W.P(C)No.79/2002, SLP(C)No.856/2002,  
W.P(C)No.91/2002, W.P(C)No.93/2002, W.P(C)No.94/2002, WP(C) 430/2001

[With appln(s) for exemption from filing c/c of the impugned judgment,  
exemption from filing OT, condonation of delay, permission to file  
addl.documents on record, ex-parte stay, intervention/impleadment  
modification of court's order, with prayer for interim relief & office  
report] (For final disposal)

Date : 20/03/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

M/s Altaf Hussain, Irshad Ahmad, Advs.  
Mr. Prem Nath Malhotra, Adv.

M/s Mohd. Mohsin Israithy,  
Vijay Kumar, Prem Malhotra, Advs.

Mr. Rao Ranjit, Adv.

M/s BS Mor, SM Hooda, Advs.  
Mr. MS Dahiya, Adv.

Mr. Sanjay Sarin, Adv.  
Mr. Ashok Mathur, Adv.

Mr. Arun Aggarwal, Adv.

M/s Kawaljit Kochar, SC Paul,  
Sonal Mahajan, CL Basha, RS Mahla, Advs.  
Ms. Kusum Chaudhary, Adv.

M/s RK Kapoor, BR Kapur, Advs.  
Mr. Sumit Kumar Khatri, Adv.  
Mr. Anis Ahmed Khan, Adv.

M/s BS Rajesh, Alok Vagrecha, Advs.  
Mr. Goodwill Indeevar, Adv.

M/s Rajesh K. Sharma, Shalu Sharma,  
Goodwill Indeevar, Advs.

M/s (Dr) Ramesh K. Haritash, Anil Sharma, Advs.  
Mr. Goodwill Indeevar, Adv.

M/s Panna Lal Syngal, SS Hooda,  
SS Nehra, Advs.  
Mr. RC Kohli, Adv.

Mr. Bhava Dutt Sharma, Adv.

M/s Brijender Chahar, Jyoti Chahar, Advs.  
Mr. Vinay Garg, Adv.

M/s Suresh C. Gupta, A. Guneshwar Sharma,  
Sanjay Pal, Advs.  
Mr. Kamal Mohan Gupta, Adv.

M/s Ranjit Sharma, Sangeeta Bansal,  
Vishwendra Verma, Advs.  
Ms. Rachna Joshi Issar, Adv.

Mr. Jasbir Malik, Adv.  
Ms. Bhakti Pasrija, Adv.  
Mr. Ajay Siwach, Adv.  
Mr. SK Pabbi, Adv.  
Mr. SK Sabharwal, Adv.

Mr. Shakeel Ahmed, Adv.

Mr. Hari Shankar K., Adv.

Mr. Attar Singh, Adv.

M/s Atul Kumar, Ajay Kumar,  
BD Sharma, Vipin Yadav, Advs.

Mr.Ranbir Singh Yadav,Adv.

M/s Sarvesh Bisaria,Nidhi Bisaria,Advs.  
Mr.KR Nagaraja,Adv.

Dr.Ramesh K.Haritash,Adv.  
Mr.Jagjit Singh Chhabra,Adv.

Mr.Mahabir Singh,Adv.

Mr.Yugal Kishor Prasad,Adv.  
Mr.Varinder Kumar Sharma,Adv.

Dr.Ramesh K.Haritash,Adv.  
Dr.Kailash Chand,Adv.

Mr.CD Singh,Adv.  
Mr.Jitendra K.Jha,Adv.

M/s AP Chhabra,KK Khurana,Advs.  
Mr.LK Pandey,Adv.

M/s SM Hooda,Kartar Singh,  
SR Kalkal,BS Mor,Gian Singh,Advs.  
Mrs.Santosh Singh,Adv.

M/s Ajay Garg,Baldev Atreya,Advs.  
Mr.Sanjay Garg,Adv.

Mr.RK Talwar,Adv.  
Mr.Yashpal Dhingra,Adv.

M/s KG Bhagat,Vineet Bhagat,Advs.  
Mr.Debasis Misra,Adv.

M/s KG Bhagat,Vineet Bhagat,  
SS Kshetrapal,RK Agnihotri,Advs.

M/s Dinesh Verma,Suresh Kumari,Advs.  
Mr.AP Mohanty,Adv.

M/s Hiren Dasan,Rajnish Gupta,Advs.  
Mr.Manoj Swarup,Adv.

Mr.RK Gupta,Adv.  
Mr.KK Gupta,Adv.

M/s SK Bandopadhyay,RD Rathore,Advs.  
Mr.KK Gupta,Adv.

For Respondent (s)

Mr.Mahender Anand,Sr.Adv.  
M/s KP Singh,DS Nagar,  
Raj Rani Dhanda,Advs.  
Mr.JP Dhanda,Adv.

Mr.Pardeep Gupta,Adv.  
Mr.KK Mohan,Adv.

Mr.Debasis Misra,Adv.

Dr. Vikas Vashishth,Adv.  
Mr.Naresh Kumar,Adv.

M/s Vishnu Mehra,Gagan Gupta,Advs.  
Mr.BK Satija,Adv.

Mr.Rajiv Talwar,Adv.  
 Mr.Naresh Bakshi,Adv.  
 Mr.SK Sabharwal,Adv.  
 M/s Jitendra Sharma,Nand Lal,Advs.  
 Mr.Kirti Kumar,Adv.  
 Mr.AP Mohanty,Adv.  
 Mr.Rajesh K.Sharma,Adv.  
 Mr.Goodwill Indeevar,Adv.  
 Ms.Praveena Gautam,Adv.  
 Mr.SK Sinha,Adv.  
 Mr.SK Pabbi,Adv.  
 Dr.Sushil Balwada,Adv.  
 Mr.D.Mahesh Babu,Adv.  
 Mr.Tripurari Ray,Adv.  
 Mr.Vishwajit Singh,Adv.  
 M/s Pramod B.Agarwala,  
 HS Sharma,Advs.  
 M/s Anant V.Palli,Atul Sharma,  
 Shubhra Singh,Advs.  
 Ms.Rekha Palli,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....J  
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Mr.Mahender Anand, learned senior counsel for the State of Haryana resumed his arguments in the morning. After hearing the learned counsel for the parties, we are of the view that these cases involve a substantial question of law as to interpretation of Article 243F & 243G of the Constitution in regard to disqualification for the membership vis-a-vis the Haryana Panchayati Raj Act, 1994, which is required to be considered by a Constitution Bench. These cases are referred to a

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Constitution Bench under Article 145(3) of the Constitution having regard to the judgment of this Court in Pradip Chandra Parija & Ors. v. Pramod Chandra Patnaik & Ors. [(2002) 1 SCC 1]. Registry is directed to place the matter before the Hon'ble Chief Justice of India for appropriate orders.

Issue notice to the learned Attorney General.  
 Issue notice in all fresh matters.  
 Fresh notice in all the matters where service is not complete.

Status quo to be maintained by the parties, until further orders of this Court.

However, it is clarified that in the matters where the interim orders are vacated the benefit of status quo shall not be available to them.

The parties are permitted to file their counter affidavit as well as rejoinder, if any, within four weeks from today.

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[Naresh Kumar]  
Court Master

[Kanwal Singh]  
Court Master