

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(s).22140/2008

(From the judgement and order dated 03/05/2007 in CWP No.6680/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

DIRECTOR OF AGRICULTURE, PUNJAB

Petitioner(s)

VERSUS

S.C.KAPURIA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP, permission to file rejoinder affidavit and prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 31/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. Anil Grover, AAG, Punjab (Not present)
Ms. Noopur Singhal, Adv.
Mr. Kuldip Singh, Adv.

For Respondent(s)

Mr. Rajeev Sharma, Adv.

Mr. Aarohi Bhalla, Adv.
Mr. Subodh S. Patil, Adv.
Ms. Sujata Kurdukar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Learned counsel appearing for the respondent State, for the present petitioner who is Director of Agriculture, Punjab, has raised the grievance that the petition filed by the respondent before the High Court was not maintainable in view of the judgment of this Court in Ranjeet Mal, vs. General Manager, Northern Railway, New Delhi reported in AIR 1977 SC 1701 which has consistently been followed by this Court as is evident from the judgment in District Collector Srikakulam & Ors vs. Bagathi Krishna Rao & Anr AIR 2010 SC 2617.

The State was not a necessary party in view of the provisions of Section 79 C.P.C.

It has been pointed out by the learned counsel for the respondents that in view of the provision of Section 141 C.P.C., the provisions of CPC are not applicable so far as the writ jurisdiction is concerned. Such a proposition is not tenable.

This Court in Sarguja Transport Service vs. State Transport Appellate Tribunal, Gwalior AIR 1987 SC 88 has categorically held that inspite of the fact that the provision of CPC are not applicable in writ jurisdiction, but the principles enshrined therein being based on public policy are applicable.

Learned counsel for the respondent want to examine the

issue.

The relief has been sought against the PSEB and not against the State. The PSEB has not challenged the impugned order. How the present petitioner is aggrieved and how the SLP is maintainable at its behest. Ms. Noopur Singhal, learned counsel for the petitioner is also not able to answer the question and wants time to examine the case.

List the matter after two weeks.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master