

È,

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3702 OF 2007

B.S. Bhalla & Anr.

... Appellants

Versus

Ram Phal & Anr.

... Respondents

WITH

CIVIL APPEAL NO. 3822 OF 2007

O R D E R

The appellants faced contempt in CC No.381 of 2000 for not complying with the judgment dated 17.01.1995 wherein the Division Bench had directed as follows :

"Extended abadi is covered by the definition of the land. This definition of land does not exempt the classes of the land now incorporated in sub-rule (5) of the Amended Rule 63 by virtue of the impugned amendments. In case there is no provision in the Act excluding the six categories of land from the operation of the Act, by merely issuing a notification giving is to be a colour of amendments in the rules under the rule making power of Section 85, which nowhere authorises the rule making authority to exempt any of the land from the operation of the Act, the amendments aforementioned deserves to be held to be bad in law and beyond the authority of the rule making power. For the self same reason, the amendment of form P-5 also cannot be sustained and has to be quashed and set aside, which we accordingly do by allowing these petitioner. We direct the

Signature Not Verified
Digitally signed by
Gulshan Kumar Arora
Date: 2015.09.10

respondents to maintain the record of rights,

12:52:04 IST

Reason:

including the Annual Register, in accordance with the provisions of the Delhi Land Revenue Act and the Delhi Land Revenue Rules, 1962, without taking into consideration the amendments carried

2

out to Rules 49, 63 and form P-5 by virtue of the Delhi Land Revenue (Sixth Amendment) Rules, 1989, as notified on 30th November 1989.

The writ petition stands disposed of in the above terms."

The High Court by the impugned order found the appellants guilty of contempt and directed for personal presence on 12.3.2004. The said order is the subject matter of assail in Civil Appeal No.3702 of 2007. Be it noted that the aforesaid order was assailed before the Division Bench which was withdrawn on 12.3.2004 and thereafter an application for review was filed which was posted for hearing on 27.09.2004 and on that day, the

High Court directed for re-notification of the date to 22.11.2004.
The said order is the subject matter of assail in Civil Appeal
No.3822 of 2007.

We have been apprised by Mr. Dayal, learned counsel for the
respondent that the appellants had long back complied with the
order. Taking note of the aforesaid, we are of the considered
opinion that there is no justification to impose any kind of
punishment on the appellants and accordingly the judgment and
order passed by the High Court are set aside and as a fall out, if
any proceeding relating to contempt is pending before the High
Court, it shall be deemed to have been disposed of.

The appeals are accordingly disposed of.

.....,J.
(Dipak Misra)

.....,J.
(Prafulla C. Pant)

New Delhi;
September 2, 2015.
ITEM NO.115

COURT NO.5

SECTION XIV

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

Civil Appeal No(s). 3702/2007

B.S. BHALLA & ANR.

Appellant(s)

VERSUS

RAM PHAL & ANR.

Respondent(s)

(with interim relief and office report)

WITH
C.A. No. 3822/2007
(With Interim Relief)

Date : 02/09/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Geeta Luthra, Sr. Adv.
Mr. D.N. Goburdhan, AOR
Ms. Jhumjhum Sarkar, Adv.
Mr. Ujwal Jain, Adv.

For Respondent(s) Mr. Pramod Dayal, AOR.
Mr. Nikunj Dayal, Adv.

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

The appeals are disposed of in terms of the signed order.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)