

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

Petition(s) for Special Leave to Appeal (Civil) No(s).28719/2011

(From the judgement and order dated 03/05/2011 in CWP No.16104/2008 dated 05/08/2011 in CM No.6729/2011 in CWP No.16104/2008,of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MALKIAT SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) for stay and prayer for interim relief and office report)
(For final disposal)

WITH SLP(C) NO.28720 of 2011
(With office report)

SLP(C) NO.28721 of 2011
(With office report)(For final disposal)

SLP(C) NO.26258 of 2011
(With appln.(s) for bringing on record the additional facts and permission to file additional documents and with prayer for interim relief and office report) (For final disposal)

SLP(C) NOS.26621-26622 of 2011
(With prayer for interim relief and office report)
(For final disposal)

Date: 28/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. A.V. Palli, Adv.
Mrs. Rekha Palli, Adv.
Mr. Anupam Raina, Adv.
Mr. Mohammed Sadique, Adv.

For Respondent(s) Mr. H.P. Raval, ASG
Ms. Nidhi Tewari, Adv.
for Mrs. Rachana Joshi Issar, Adv.

Mr. Sanchar Anand, AAG
Mr. Jagjit Singh Chhabra ,Adv

Mr. Vibhuti Sushant Gupta, Adv.
Mr. Prateek Gupta, Adv.
For Dr. Kailash Chand, Adv.

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

In SLP(C) No.28719/2011, SLP(C) No.28720/2011 and SLP(C)
No.28721/2011

Petitioners in these special leave petitions assail orders dated 03.05.2011 and 05.08.2011 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition Nos.16104, 16111 and 16110 of 2008 and Civil Misc. Nos.6729, 6722 and 6727 of 2011 (arising out of Civil Writ Petition Nos.16104, 16111 and 16110 of 2008) respectively.

By order dated 03.05.2011, the prayer made by the writ petitioner for withdrawal of Writ Petition No.16104 of 2008 was granted and the High Court passed the order accordingly.

Thereafter, an application for recall of order dated 03.05.2011 was filed by the writ petitioner, which has been dismissed by the High Court vide order dated 05.08.2011.

From the tenor of order dated 03.05.2011, it is evident that the writ petitioner sought to withdraw the writ petition in the light of the judgment of the High Court in Jasmer Singh vs. State of Punjab & Anr. decided on 26.09.2007. In the application for recall of the said order, it was the stand of the writ petitioner that the cases in hand were not covered by the judgment in Jasmer Singh's case and accordingly, a prayer was made for recall of the order dated 03.05.2011 and for rehearing of the writ petition.

Mr. V. Giri, learned Senior Counsel appearing for the petitioners submits that matter is not concluded by the judgment in Jasmer Singh's case.

Mr. H.P. Raval, learned Additional Solicitor General appearing for the respondents, however, joins issue and contends that it is concluded by the judgment in said case.

Be that as it may, order dated 05.08.2011 passed by the High Court does not indicate that any such submission was made.

In view of the aforesaid, we give liberty to the petitioners to file appropriate application for review of the order dated 05.08.2011 and urge such points as are available to them to show that the matter is not concluded by the judgment in Jasmer Singh's case.

Needless to state that in case such an application is filed by the petitioners, the High Court shall consider the same in accordance with law.

Petitioners undertake to file such an application within a period of two weeks from today.

This Court's order dated 04.05.2012 shall remain operative till the final disposal of the said application for review of order dated 05.08.2011.

Seeing the urgency of the matter, we request the High Court to dispose of the said application within a period of six weeks from the date of its filing.

With the aforesaid directions, these special leave petitions are disposed of.

In SLP(C) NO.26258 of 2011 and SLP(C) NOS.26621-26622 of 2011

These special leave petitions are ordered to be de-linked and listed separated after eight weeks for consideration.

(Sanjay Kumar)

Court Master

(Indu Satija)

| Court Master