

(1987) 03 SC CK 0005

In the Supreme Court Of India

Case No : Civil Appeal No's. 7419-26 of 1983 and Civil Appeal No. of 1985

Municipal Committee, Bhiwani

APPELLANT

Vs

Durga Parshad and Another etc.
Bhiwani Improvement
Trust Vs Beni Prasad (Dead) by L.Rs. and Others

RESPONDENT

Date of Decision : 05-03-1987

Acts Referred:

Punjab Town Improvement Act, 1922 — Section 44A

Citation : (1987) 1 JT 722

Hon'ble Judges : M.M. Dutt, J;E.S. Venkataramaiah, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted in SLP (Civil) Nos. 4268-4269 of 1984.
2. We have heard the learned Counsel for the parties in all these appeals. We do not agree with the decision of the High Court that the schemes involved in these cases were liable to be set aside on the basis of the reasons given by the Full Bench of the High Court of Punjab and Haryana in Radhey Sham Gupta and Others Vs. State of Haryana and Others, We, therefore, set aside the judgment against which these appeals are filed and remand the cases to the High Court to consider only the question relating to the Constitutional validity of Section 44-A of the Punjab Town Improvement Act, 1922 as in force in Haryana and the notification issued from time to time under the proviso to the said section granting extension of the period for the completion of the scheme in question. No other question shall be raised before the High Court by the writ Petitioners. It is open to the writ Petitioners to file, if they are so advised, additional pleadings confined to the above question. It is also open to the Respondents to file additional counter affidavits in the High Court. The High Court shall dispose of the Writ Petitions within six months status quo as on today regarding possession shall be maintained until the High Court disposes of the writ petitions. The appeals are disposed of accordingly.