

(2008) 09 SC CK 0028

In the Supreme Court Of India

Case No : Civil Appeal No. 5473 of 2008 (Arising out of SLP (C) No. 10947 of 2006)

Surinder Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-09-2008

Acts Referred:

Citation : (2008) 09 SC CK 0028

Hon'ble Judges : R. V. Raveendran, J;J. M. Panchal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted. Heard the parties.

2. The appellants, who are the residents of a residential area, filed a writ petition objecting to the construction of a hospital coming up in one of the plots (Plot No. 39) on the ground that no hospital can come up in a residential plot in a residential area. The High Court, by interim order dated 19.1.2006, granted stay of further construction. Subsequently on 26.5.2006, while admitting the writ petition, the High Court vacated the interim stay but directed that any construction on the site shall be subject to the final decision in the writ petition. It also recorded the undertaking given on behalf of the fourth respondent that in case the appellants succeed in the writ petition, he shall demolish the construction raised by him. The Court also directed that the matter should be listed for final disposal within one year.

3. The grievance of the appellants is that if construction which is proceeding at a fast pace is completed and if the hospital starts functioning, then the very purpose of the writ petition will be defeated.

4. We find that the High Court itself had directed that the petition should be listed for final disposal within one year. As on date, more than two years have elapsed. In the circumstances, we feel that the interim order requires a slight

modification to safeguard the interest of both parties.

5. We therefore request the High Court to hear and dispose of the writ petition early preferably within four months. Pending final decision, the respondents shall not commence any kind of activity in the building under construction even if it is completed before the decision in the writ petition. With the above modification to the impugned order, this appeal is disposed of.