

ITEM NO.503

COURT NO.2

SECTION IIIA/PIL(W)

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

Special Reference No.1/2004

U/A 143(1) OF THE CONSTITUTION OF INDIA

[REG : THE PUNJAB TERMINATION OF AGREEMENT ACT, 2004]

(With appln. (s) on behalf of the State of Haryana for directions to list the aforesaid Special Reference No.1 of 2004 before a Constitution Bench of this Hon'ble Court on an early date and office report)

WITH

CONMT.PET.(C) No. 511/2004 In ORGNL.SUIT No. 6/1996
(Directions and Office Report)

W.P.(C) No. 455/2005
(Office Report)

Date : 17/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AMITAVA ROY

For appearing parties :

By Post

Union of India Mr. Ranjit Kumar,SG
 Ms. Pinky Anand,ASG
 Mr. S.Wasim A.Qadri,Adv.
 Mr. Ajay Sharma,Adv.
 Mr. Sanchit Kumar,Adv.
 Mr. Zaid Ali,Adv.
 Mr. S.S. Rawat,Adv.
 For Mr. D. S. Mahra,Adv.

State of Punjab Mr. Ram Jethmalani, Sr. Adv.
 Dr. Rajeev Dhawan, Sr. Adv.
 Mr. R. S. Suri, Sr. Adv.
 Mr. Mohan V. Katarki, Adv.
 Mr. Arun Kathpalia, Adv.
 Mr. Jagjit Singh Chhabra, Adv.
 Mr. Vinay K. Shailendra, Adv.
 Mr. Saksham Maheshwari, Adv.
 Ms. Lata Krishnamurti, Adv.
 Mr. Ajay Awasthi, Adv.
 Mr. P. R. Mala, Adv.
 Mr. Shashanank Bhansali, Adv.
 Mr. Chirag Madan, Adv.
 Mr. Anirudh Anand, Adv.
 Mr. Anubhav, Adv.

State of Haryana Mr. Shyam Divan, Sr. Adv.
 Mr. Tushar Mehta, ASG
 Mr. Baldev Raj Mahajan, AG, Haryana.
 Mr. Devander Kumar Saini, AAG
 Mr. Birendra Kumar Choudhary, AAG
 Mr. Arun Kumar, AAG
 Mr. Shekhar Raj Sharma, Adv.
 Mr. Anish Kumar Gupta, Adv.
 Mr. Anil Grover, AAG
 Mr. Alok Sangwan, AAG
 Mr. Devashish Bharuka, Adv.
 Ms. Deep Shikha Bharati, Adv.
 Mr. Chandra Shekhar Suman, Adv.
 Mr. Amit Verma, Adv.
 Mr. Ravi Bharuka, Adv.
 Mr. Abhinav Malhotra, Adv.
 Mr. B. K. Satija, Adv.
 Ms. Rita Jha, Adv.
 Ms. Arpita Bishnoi, Adv.

State of H. P. Mr. J. S. Attri, Sr. Adv.
 Mr. Varinder Kumar Sharma, Adv.
 Mr. Chandra Nanda Jha, Adv.

State of Rajasthan Mr. C. S. Vaidyanathan, Sr. Adv.
 Mr. S. S. Shamsery, AAG
 Mr. Vikramjit Banerjee, Adv.
 Mr. Amit Sharma, Adv.
 Ms. Ruchi Kohli, Adv.

 Mr. Suresh Chandra Tripathy, Adv.

State of J&K Ms. Astha Sharma,Adv.
 Mr. Puneeth K.G.,Adv.
 Mr. Sunil Fernandez,Adv.

In CP (C) 511/2004 Mr. Dinesh Kumar Garg,Adv.
 Mr. Dhananjay Garg,Adv.
 Mr. Deepak Mishra,Adv.

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

I.A. No.7/2016 - for appropriate directions

Taken on Board.

Upon perusal of the contents of the application and upon hearing the learned counsel appearing for the parties, prima facie, it appears that an effort has been made to see that execution of a decree of this Court is being made inexecutable and this Court cannot be a silent spectator of the said fact and therefore, we direct that status quo shall be maintained by the parties with regard to the following properties referred to in para (d)(ii) of the application:

"(d)(ii) lands, works, property and portions of the SYL canal and all lands within the alignment of the SYL canal within the territories of the State of Punjab which are covered by the judgments of this Court in *State of Haryana v State of Punjab*, (2002) 2 SCC 507 (paragraphs 18 and 19) and *State of Haryana v State of Punjab*, (2004) 12 SCC 712 (paragraph 96),"

In the circumstances, it is further directed that

- (i) The Secretary, Home Department, Union of India,
- (ii) The Chief Secretary, State of Punjab and

(iii) The Director General of Police, State of Punjab are appointed as Court Receivers as prayed for in para (d) (ii) and all the properties referred to in the said para shall be deemed to have vested in them and they shall also see that status quo is maintained with regard to the properties referred to herein-above.

Counter affidavits to the application be filed on or before 28th March, 2016.

List these matters on 31st March, 2016 at 2.00 p.m. as Part-heard.

(Anita Malhotra)
Court Master

(Sneh Bala Mehra)
Assistant Registrar