

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8376 OF 2018

[Arising out of SLP (C) No.21546 of 2017]

Smt. Birwati Chaudhary & Ors. .. Appellants

Versus

The State of Haryana & Ors. .. Respondents

J U D G M E N T

Abhay Manohar Sapre, J.

- 1) Leave granted.
- 2) This appeal arises from the interim order dated 10.08.2017 passed by the High Court of Punjab & Haryana at Chandigarh in C.M. No.10834 of 2017 in

Civil Writ Petition No.10546 of 2016 whereby the High Court rejected the application for stay filed by the appellants herein.

3) Few relevant facts need to be mentioned *infra* for the disposal of the appeal, which involves a short question.

4) In a pending writ petition (C.W.P. No.10546/2016) filed by the appellants herein against the State in the High Court of Punjab & Haryana, the writ petitioners (appellants herein) prayed for grant of ad-interim stay during the pendency of the writ petition in relation to the subject matter of the land in question.

5) By impugned order, the High Court declined to grant the ad-interim stay observing:

“As the required land is lying vacant, we do not find any reason to grant any stay.”

6) It is against the aforementioned order, the writ petitioners have filed this appeal by way of special leave in this Court.

7) Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to allow the appeal, set aside the impugned order and remand the case to the High Court to decide the ad-interim prayer made by the appellants (writ petitioners) afresh or/and consider disposing of the writ petition itself, as the case may be, in accordance with law.

8) The reason to remand the case has occasioned due to the fact that firstly, no adequate reason is given in the impugned order for not granting stay; and secondly, the reason given does not in itself justify the rejection having regard to the nature of controversy involved in the writ petition.

9) In short, justifiable reason(s) to support either the grant or rejection need(s) to be stated keeping in view the facts and the law applicable to the controversy involved. It is not so found in the impugned order and hence the order of remand is called for to decide the matter afresh in accordance with law.

10) In view of the foregoing discussion, the appeal succeeds and is accordingly allowed. Impugned order is set aside and the case is remanded to the High Court to decide the issue afresh on merits strictly in accordance with law without being influenced by any of our observations made above, which we have refrained to make having formed an opinion to

remand the case to the High Court for the reasons mentioned above.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[UDAY UMESH LALIT]

New Delhi;
August 20, 2018