



THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244

LPA-1461-2016 (O&M)

Date of decision: 14.05.2024

MUNICIPAL COMMITTEE (NOW MUNICIPAL CORPORATION),
BATHINDA

...Appellant

VERSUS

BACHAN SINGH THROUGH HIS LRS & ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate
for the appellant.

Mr. K.B.S.Mann, Advocate
for respondent No.1(i)(a).

Mr. Mohinder S. Nain, Advocate
for respondent No.1(i)(b) & 1(i)(c).

DEEPAK SIBAL, J.(ORAL)

(1) The present intra court appeal arises out of judgment dated 11.05.2011 passed by a learned Single Judge of this Court allowing the writ petition filed by respondent No.1 to challenge therein the Town Planning Scheme-3 Part II (for short – the Scheme) framed by the Municipal Committee (now Municipal Corporation), Bathinda (for short – MC, Bathinda) notified by the State of Punjab on 31.08.1983.

(2) Through filing of a writ petition being CWP-3178-1987 one Partap Singh challenged the validity of the Scheme framed by MC, Bathinda. Through judgment dated 10.10.2007, a learned Single Judge of this Court allowed Partap Singh's case and resultantly, quashed the Scheme.

Through an intra court appeal being *LPA No.121 of 2008* titled as *Municipal Committee (now Municipal Corporation), Bathinda Vs. Partap Singh and*



Another, challenge was made by MC, Bathinda to the judgment of the learned Single Judge dated 10.10.2007. Through judgment dated 26.11.2014, a co-ordinate bench of which one of us Deepak Sibal, J. was a member, allowed the intra court appeal filed by MC, Bathinda resulting in the dismissal of Partap Singh's writ petition. Through Special Leave to Appeal (C) No.7688 of 2015 titled as *Jagjit Singh & Anr. Vs. Municipal Committee (now Municipal Corporation), Bathinda & Ors.* challenge was made before the Supreme Court to the judgment of the co-ordinate Bench dated 26.11.2014. The said Special Leave Petition (C) was dismissed by the Supreme Court on 20.03.2015.

(3) Through CWP No.3558 of 1987 titled as *Bachan Singh Vs. The Municipal Committee, Bathinda and another* the contesting respondents also challenged the aforesaid Scheme framed by MC, Bathinda. Through judgment dated 11.05.2011, a learned Single Judge of this Court allowed the respondents' writ petition in terms of the judgment dated 10.10.2007 in Partap Singh's case. The present intra court appeal was filed by MC, Bathinda to challenge therein judgment dated 11.05.2011 passed in the respondents' case. There was a delay of 1760 days in filing and 85 days in re-filing of the intra Court appeal. A co-ordinate Bench of this Court found the explanation for the delay to be unsatisfactory and therefore, through judgment dated 21.11.2016 dismissed the appeal being time barred. Through SLP (C) No.9552 of 2017, MC, Bathinda challenged the judgment of the co-ordinate Bench dated 21.11.2016 before the Supreme Court. The said SLP was converted into Civil Appeal No.597 of 2024 and through order dated 19.01.2024 the Supreme Court not only set aside the judgment of this Court dated 21.11.2016 but also condoned the delay in the filing of



the intra court appeal. A further direction was issued by the Supreme Court to decide the present intra court appeal expeditiously.

- (4) Learned counsel for the parties have been heard.
- (5) The respondents’ writ petition filed by them to challenge therein the Scheme framed by MC, Bathinda was allowed by a learned Single Judge of this Court in terms of the judgment dated 10.10.2007 passed in Partap Singh’s case. Through judgment dated 26.11.2014 a Division Bench of this Court set aside the judgment dated 10.10.2007 rendered in Partap Singh’s case resulting in the dismissal of Partap Singh’s writ petition. Special Leave petition preferred against the judgment of the Division Bench dated 26.11.2014 was also dismissed by the Supreme Court. Thus, the validity of the Scheme framed by MC, Bathinda, which has been challenged by the respondents, has been upheld up to the Supreme Court. Admittedly, the respondents’ case is fully covered by Partap Singh’s case and therefore, it has to meet the same fate.
- (6) In view of the above, the present intra-court appeal is allowed and the impugned judgment by the learned Single Judge dated 11.05.2011 is set aside. Resultantly, the respondent’s writ petition shall stand dismissed.
- (7) All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 14, 2024
Nisha Yadav

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No