

STATE OF UTTAR PRADESH

v.

JAI BIR SINGH

(Civil Appeal No.897 of 2002)

JANUARY 02, 2017

**[T. S. THAKUR, C.J.I., MADAN B. LOKUR, S.A. BOBDE,
ADARSH KUMAR GOEL, UDAY UMESH LALIT,
DR. D.Y. CHANDRACHUD AND L. NAGESWARA RAO, JJ.]**

Reference to larger bench – Reference order by a Five-Judges Bench pursuant to which matter placed before Seven-Judges Bench – In view of serious and wide ranging implications of the issue involved as also the fact that serious doubts have been expressed in the reference order about the correctness of the view in Bangalore Water Supply and Sewerage Supply & Sewerage Board etc. v. A. Rajappa and Ors. etc. (1978) 2 SCC 213, matter referred to Nine-Judges Bench.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 897 of 2002.

From the Judgment and Order dated 30.01.2001 of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No. 3282 of 2001.

WITH

C.A. Nos. 1276, 1278, 1279, 6114, 8597 of 2001

C.A. Nos. 2409, 2506, 4569, 5101, 6108, 6471 of 2002

SLP (C) No.20982 of 2002

C.A. No. 7994 of 2004

SLP (C) Nos.11291, 14085, 14127 of 2004

C.A.No.812 of 2005

SLP (C) No. 4139 of 2005

C.A. Nos.1273, 1274, 3647, 4646 of 2007

SLP (C) No. 16301 of 2007

C.A. Nos. 296, 1311-1312 of 2008

SLP (C) Nos.3107, 4327, 4328, 4329, 16276, 17224 of 2008

A SLP (C) No.1112 of 2009
 SLP (C)...CC No.7990 of 2009
 C.A. Nos. 3920, 5681 of 2010
 C.A.Nos. 3119, 7757 of 2011
 C.A. No.1131 of 2012

B C.A. Nos.4505-4506, 4507-4508 of 2013
 SLP (C) No.12679-12682 of 2014
 C.A. No. 5519 of 2012

AND WITH

C SLP (C) No.1857 of 2016.

Ms.Pinky Anand, ASG, Devadatt Kamat, Purushindra Kaurav, Nikhil Nayyar, AAGs., Sunil Gupta, Mrs. V.D. Makhija, Mrs. V. Mohana, Ms. Indira Jaising, Subramonium Prasad, C.U. Singh, Dinesh Dwivedi, Silambannan, Colin Gonsalves, Sr. Advs. Vivek Vishnoi, M. R. Shamshad, Aditya Samadar, D.N. Goburdhan, Vimla Sexena, Rajesh Ranjan, Karan Seth, Joel, Shashank Dewan, Ms. Somya Rathore, B. Krishna Prasad, D. S. Mahra, Ms. Vimla Sinha, Ms. Gunwant Dara, Ms. Movita, Ms. Akhila J., M.K. Maroria, Bharat Sangal, Ms. Vidushi Garg, Ms. Ajitha Sharma, Ms. Vernika Tomar, Samar Vijay Singh, Sanjay Kr. Visen, Kamal Mohan Gupta, C. D. Singh, Ms. Sylona Mohapatra, Vidit Arora, Rahul Rajput, Saurabh Ajay Gupta, M. Yogesh Kanna, Ms. Nithya, Ms. Hemantika Wahi, Ms. Puja Singh, Ms. Aagam Kaur, V. N. Raghupathy, Joseph Aristotle, Rajesh Inamdar, Javedur Rahman, Parikhit P. Angdi, Nishant R. Katneshwarkar, Ms. Asha Gopalan Nair, Mukesh Verma, K. L. Janjani, Mishra Saurabh, Ms. Anuradha Mishra, Ankit Kr. Lal, Kuldip Singh, N. Sai Vinod, Jagjit Singh Chhabra, Abhay Negavi, Krishan Kumar, Joseph Aristotle S., Mrs. Priya Aristotle, Ms. K. Priyadarshini, Ms. Anitha Shenoy, Pradeep Misra, Ms. Madhu Sikri, R. Chandrachud, Senthil Jagadeesan, Jawahar Raja, Chinmay Kanojia, Gautam Bhatia, Pukhrambam Ramesh Kumar, Uday Manaktala, Preetesh Kapur, Ardhendumauli Kumar Prasad, Manish Shankar Srivastava, Krishnam Misra, Yasharth Kant, Ms. Taruna Ardhendumauli Prasad, Namit Saxena, Nirmal Kumar Ambastha, Amritesh Raj, Panshul Chandra, Jaydip Pati, S. Ravi Shankar, Yamunah N., Ms. Sneha Bhatnagar, Gunjan, Ms. Jyoti Mendiratta, Mukesh Verma, Pawan Kumar Shukla, Yash Pal Dhingra, Ms. Sangeeta Bharti, Krishanu Adhikary, Ms. Purna Mehta, Dr. Krishan Singh Chauhan, Aseem Katoch, Ajit Kumar Ekka, Ravi Prakash, Chand

Kiran, Ms. Charu Lata Chaudhary, Ashok Kumar Sharma, Vikalp A
 Mudgal, Kshitij Mudgal, Ms. Nidhi, Vidya Dhar Gaur, Ms. Shalu Sharma,
 Naresh Kumar, Dr. (Mrs.) Vipin Gupta, Vishwajit Singh, Bharat Sangal,
 S. K. Verma, S. N. Bhat, R. C. Kaushik, Ardhendumauli Kumar Prasad,
 E. C. Vidya Sagar, Ms. Kusum Chaudhary, Sudhanshu S. Choudhari,
 Subhash Sharma, A. P. Mohanty, Rameshwar Prasad Goyal, Gautam B
 Narayan, K. Rajeev, M. K. Garg, Ms. Sheela Goel, Abhay Nagavi,
 Krishan Kumar, Advs., with them for the appearing parties.

The following Order of the Court was delivered

ORDER

T. S. THAKUR, C.J.I. 1. We have heard learned counsel for C
 the parties at considerable length. We have also been taken through
 relevant passages of the decision of this Court in *Bangalore Water*
Supply & Sewerage Board etc. v. A. Rajappa and Ors. etc. (1978) 2
 SCC 213 and the reference order passed by a Five-Judges Bench of
 this Court pursuant to which these matters have been placed before us. D
 Having given our anxious consideration to the contentions urged at the
 bar and the serious and wide ranging implications of the issue that fall
 for determination as also the fact that serious doubts have been expressed
 in the reference order about the correctness of the view taken in
Bangalore Water Supply's case (supra), we are of the opinion that E
 these appeals need to be placed before a Bench comprising Nine-Judges
 to be constituted by the Chief Justice.

2. We order accordingly. The papers be now placed before the
 Chief Justice for constituting an appropriate Nine-Judges Bench to answer
 the questions raised in the reference order dated 5th May, 2005 passed
 by the Five-Judges Bench in *State of U.P. v. Jai Bir Singh* (2005) 5 F
 SCC 1.

Divya Pandey

Matter referred to larger bench.