CONTENTS

A.S. Motors Pvt. Ltd. (M/s.) v. Union of India and Ors.	 409
Allahabad Bank and Ors.; Official Liquidator, U.P. (The) and Uttarakhand <i>v.</i>	 207
Aroquia (K.) Radja & Ors; Chief Executive Officer, (The) Pondicherry Khadi and Village Industries Board and Anr. <i>v.</i>	 562
Arvind Kumar Rai & Ors.; Vijoy Kumar Pandey <i>v.</i>	 121
Arvind Kumar Sharma <i>v.</i> Vineeta Sharma & Anr.	 260
Ayurved Shastra Seva Mandal & Anr. v. Union of India & Ors.	 1098
Bakshish Ram & Anr. v. State of Punjab	 732
Balmer Lawrie & Co. Ltd. & Ors. v. Partha Sarathi Sen Roy & Ors.	 1018
Basti Ram; State of Haryana v.	 850
Bharat Bhushan & Anr. <i>v.</i> State of Madhya Pradesh	 230
Bisawamber Patro & Ors.; Chairman, Rushikulya Gramya Bank <i>v.</i>	 239
Chairman, Rushikulya Gramya Bank <i>v.</i> Bisawamber Patro & Ors.	 239
Chief Executive Officer, (The) Pondicherry Khadi and Village Industries Board and Anr. v. K. Aroquia Radja & Ors.	 562
(i)	

Dayanand Anglo Vedic (DAV) College Trust and Management Society <i>v.</i> State of Maharashtra and Anr.		821
Delhi Devt. Authority & Ors.; Saraswati Devi (D) by Lr. <i>v.</i>		922
Diamond and Gem Development Corporation Ltd. & Anr.; Rajasthan State Industrial Development and Investment Corporation (The) & Anr. v.		331
Esha Ekta Apartments Co-operative Housing Society Limited and Ors. v. Municipal Corporation of Mumbai and Ors.		478
Falgunbhai Chimanbhai Patel and Anr.; Gambhirsinh R. Dekare <i>v</i> .		719
Gambhirsinh R. Dekare <i>v.</i> Falgunbhai Chimanbhai Patel and Anr.		719
Gopal Singh v. State of Uttarakhand		104
Goudappa & Ors. v. State of Karnataka		547
Govt. of Andhra Pradesh Represented by its Secretary Home (Courts C1) Department and Anr.; Vijaya Lakshmi (K.) (Smt) <i>v.</i>		364
Hindustan Zinc Ltd. & Anr.; State of Rajasthan & Ors. <i>v.</i>		704
Indian Soaps & Toiletries Makers Association Ozair Husain and Ors.	v. 	675
Joydeb Patra & Ors. v. State of West Bengal		192
Kailash @ Tanti Banjara v. State of Madhya Pradesh		875

Kallakkurichi Taluk Retired Official Association, Tamilnadu, etc. v. State of Tamilnadu		883
Kamlendra Singh @ Pappu Singh v. State of M.P.		236
Kandath Distilleries; State of Kerala and Ors. v	<i>'</i>	1053
Kuppusamy (R.) v. State Rep. by Inspector of Police, Ambeiligai		136
Lachmi Narayan Bhomroj (M/s) & Ors.; Ranjit Kumar Murmu <i>v.</i>		263
Laxman and Anr.; Vijay v.		80
Mahesh Narain Etc.; State of U.P. & Ors. v.		534
Mariappan v. State of Tamil Nadu		273
Municipal Corporation of Mumbai and Ors.; Esha Ekta Apartments Co-operative Housing Society Limited and Ors. <i>v.</i>		478
Niranjan Hemchandra Sashittal and Anr. <i>v.</i> State of Maharashtra		767
Nowrosjee Wadia College and Ors.; State of Maharashtra and Ors. <i>v.</i>		303
Official Liquidator, U.P. (The) and Uttarakhand Allahabad Bank and Ors.	V. 	207
Ozair Husain and Ors.; Indian Soaps & Toiletries Makers Association <i>v.</i>		675
Panduranga (K. S.) v. State of Karnataka		155
Paramsivan (C.N.) & Anr. v. Sunrise Plaza TR. Partner & Ors.		1

& Co. Ltd. & Ors. v.	 1018
Prasanna Kumar; Siddeshwar (G. M.) v.	 1107
President, Parent Teacher Assn. SNVUP and Ors.; State of Kerala and Ors. <i>v.</i>	 66
Rajamani v. State of Kerala	 187
Rajasthan State Industrial Development and Investment Corporation (The) & Anr. v. Diamond and Gem Development Corporation Ltd. & Anr.	 331
Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors.	 978
Rajesh Kumar & Ors. Etc. v. State of Bihar & Ors. Etc.	 753
Rajya Sabha Secretariat and Ors. v. Subhash Baloda and Ors.	 956
Ramswaroop and Anr. v. State of Madhya Pradesh	 198
Ranjit Kumar Murmu <i>v.</i> M/s Lachmi Narayan Bhomroj & Ors.	 263
Republic of Italy and Ors. v. Union of India and Ors.	 595
Ripa Sarma; State of Assam v.	 151
Roop Singh v. State of Madhya Pradesh	 287
Rushi Guman Singh v. State of Orissa & Ors.	 862

433

745

850

248

547

155

1053

66

460

187

236

230

875

198

287

293

()			()	
Saraswati Devi (D) by Lr. v. Delhi Devt.		000	State of H. P.; Som Raj @ Soma v.	
Authority & Ors.	••••	922	State of Haryana & Anr.; Satya Pal v.	
Satya Pal v. State of Haryana & Anr.		745	State of Haryana v. Basti Ram	
Sawinder Kaur and Anr.; Secretary to Government of India v.		788	State of Jammu & Kashmir; Shabir Ahmed Teli v.	
Secretary to Government of India <i>v.</i> Sawinder Kaur and Anr.		788	State of Karnataka; Goudappa & Ors. <i>v.</i>	
Shabir Ahmed Teli v. State of Jammu			State of Karnataka; Panduranga (K. S.) v.	
& Kashmir		248	State of Kerala and Ors. v. Kandath Distilleries	3
Siddeshwar (G. M.) v. Prasanna Kumar		1107	State of Kerala and Ors. v. President, Parent	
Sneha Cheriyan and Anr.; State of Kerala			Teacher Assn. SNVUP and Ors.	
and Ors. <i>v.</i>		460	State of Kerala and Ors. v. Sneha Cheriyan	
Som Raj @ Soma v. State of H.P.		433	and Anr.	
Sri Jagabandhu Panda; State of Orissa			State of Kerala; Rajamani v.	
& Ors. <i>v.</i>		1080	State of M.P.; Kamlendra Singh @	
Star Bone Mill & Fertiliser (M/s.) Co.; State of		004	Pappu Singh <i>v.</i>	
A.P. (The) & Ors. <i>v.</i>	••••	394	State of Madhya Pradesh; Bharat Bhushan	
State by Inspector of Police; Sunder @ Sundararajan <i>v.</i>		25	& Anr. <i>v.</i>	••••
•	••••	20	State of Madhya Pradesh; Kailash @ Tanti Banjara v.	
State of A.P. (The) & Ors. v. M/s. Star Bone Mill & Fertiliser Co.		394	·	••••
State of Assam v. Ripa Sarma		151	State of Madhya Pradesh; Ramswaroop and Anr. v.	
•	••••		State of Madhya Pradesh; Roop Singh v.	
State of Bihar & Ors. Etc.; Rajesh Kumar & Ors. Etc. <i>v.</i>		753		
State of Bihar; Umesh Singh v.		797	State of Madhya Pradesh; Vijay Jain v.	••••
Ctate of Billar, Officer Offigir v.	••••			

(vii)		
State of Maharashtra and Anr.; Dayanand Angle Vedic (DAV) College Trust and Management Society <i>v.</i>	o 	821
State of Maharashtra and Ors. v. Nowrosjee Wadia College and Ors.		303
State of Maharashtra; Niranjan Hemchandra Sashittal and Anr. <i>v.</i>		767
State of Orissa & Ors. v. Sri Jagabandhu Panda		1080
State of Orissa & Ors.; Rushi Guman Singh $\it v.$		862
State of Punjab; Bakshish Ram & Anr. v.		732
State of Rajasthan & Ors. v. Hindustan Zinc Ltd. & Anr.		704
State of Tamil Nadu; Mariappan v.		273
State of Tamilnadu; Kallakkurichi Taluk Retired Official Association, Tamilnadu, etc. v.		883
State of Tripura; Subodh Nath and Anr. v.		581
State of U.P. & Ors. v. Mahesh Narain Etc.		534
State of Uttarakhand; Gopal Singh v.		104
State of West Bengal; Joydeb Patra & Ors. v.		192
State Rep. by Inspector of Police, Ambeiligai; Kuppusamy (R.) <i>v.</i>		136
Subhash Baloda and Ors.; Rajya Sabha Secretariat and Ors. <i>v.</i>		956

Subhash Sindhi Cooperative Housing Society Jaipur & Ors.; Rajasthan State Industrial Development and Investment		
Corporation <i>v.</i>		978
Subodh Nath and Anr. v. State of Tripura		581
Sunder @ Sundararajan v. State by Inspector of Police		25
Sunrise Plaza TR. Partner & Ors.; Paramsivan (C.N.) & Anr. <i>v.</i>		1
Umesh Singh v. State of Bihar		797
Union of India & Ors.; Ayurved Shastra Seva Mandal & Anr. v.		1098
Union of India and Ors.; A.S. Motors Pvt. Ltd. (M/s.) <i>v.</i>		409
Union of India and Ors.; Republic of Italy and Ors. v.		595
Vijay Jain v. State of Madhya Pradesh		293
Vijay v. Laxman and Anr.		80
Vijaya Lakshmi (K.) (Smt) v. Govt. of Andhra Pradesh Represented by its Secretary Hon (Courts C1) Department and Anr.	ne 	364
Vijoy Kumar Pandey <i>v.</i> Arvind Kumar Rai & Ors.		121
Vineeta Sharma & Anr.; Arvind Kumar Sharma <i>v.</i>		260

CASES - CITED

A.P. Christians Medical Educational Society <i>v.</i> Government of Andhra Pradesh and Anr. 1986 (2) SCR 749		
relied on		823
A.P. State Financial Corpn. v. Official Liquidator 2000 (2) Suppl. SCR 288		208
Aban Loyd Chiles Offshore Limited v. Union of India and Anr. 2008 (6) SCR 468	 and	602 d 606
Abdul Rehman Antulay and Others v. R.S. Nayak and Another 1991 (3) Suppl. SCR 325		771
Abdul Sayeed v. State of Madhya Pradesh 2010 (13) SCR 311		
relied on		800
Adalat Prasad <i>v.</i> Rooplal Jindal (2004) 7 SCC 338		721
Agrawal (P.D.) v. State Bank of India 2006 (1) Suppl. SCR 454		
relied on		413
Agricultural Produce Market Committee <i>v.</i> Ashok Harikuni and Anr. etc. 2000 (3) Suppl. SCR 379		1023
Ajay Hasia etc. v. Khalid Mujib Sehravardi and Ors. etc. 1981 (2) SCR 79		1023
Aligarh Muslim University v. Mansoor Ali Khan 2000 (2) Suppl. SCR 684		
relied on		413
(ix)		

All Bihar Christian Schools Association and Anr. v. State of Bihar and Ors. 1988 (2) SCR 4	. 9	
relied on		990
Allahabad Bank v. Canara Bank and Anr. 2000 (2) SCR 1102		
relied on		210
Andhra Bank v. Official Liquidator and Anr. 2005 (2) SCR 776		208
Anil Vasudev Salgaonkar v. Naresh Kushali Shigaonkar 2009 (14) SCR 10		
relied on		1110
Antony (T.T.) v. State of Kerala 2001 (3) SCR 942		
- cited		800
Antulay (A.R.) <i>v.</i> R.S. Nayak 1988 (1) Suppl. SCR 1		159
Anwarul Haq v. State of U.P. 2005 (3) SCR 917		
relied on		106
Arun Kumar Sharma v. State of Bihar 2009 (14) SCR 1023		
relied on		733
Ashok (K.) Reddy v. Govt. of India 1994 (1) SCR 662		
held inapplicable		369
Ashok Service Centre (M/s.) & Anr. etc. v. State of Orissa 1983 (2) SCR 363		
relied on		335
Ashok v. State of M.P. 2011 (4) SCR 253		
relied on		294

Ashwani Kumar Saxena v. State of M.P. 2012 (10) SCR 540		Bapu Limbaji Kamble <i>v.</i> State of Maharashtra (2005) 11 SCC 413		158
relied on	236	Bareilly Development Authority & Anr. v. Ajay Pa	l	
Assam Small Scale Ind. Dev Corporation Ltd.		Singh & Ors. 1989 (1) SCR 743		
and Ors. v. M/s. J.D. Pharmaceuticals and Anr. 2005 (4) Suppl. SCR 232	1023	relied on		335
Azeez (S.) Basha and Anr. Etc. v. The Union of India Etc. 1968 SCR 833	1023	Barot Vijay Kumar Balakrishna and Ors. <i>v.</i> Modh VinayKumar Dasrathlal and Ors. 2011 (7) SCR 154		
relied on	823	relied on		960
Azhar Hussain v. Rajiv Gandhi 1986 SCR 782		Baso Prasad v. State of Bihar 2006 (9) Suppl.		
relied on	1109	SCR 431		
Badri Prasad and Ors. v. Nagarmal and Ors.		- cited	••••	800
1959 Suppl. SCR 709		Beena (K.N.) v. Muniyappan And Anr. 2001		0.5
relied on	989	(7) Scale 331		85
Badri v. State of Rajasthan 1976 (2) SCR 339	584	Behram Khurshid Pesikaka v. State of Bombay 1955 SCR 613		
Bal Ram Bali and Another v. Union of India (2007) 6 SCC 805	679	relied on		982
Balbir Singh and Anr. v. State of Punjab 1996 (SCC) Crl. 1158		Bhagwandas Tiwari v. Dewas Shajapur Kshetriya Gramin Bank 2006 (8) Suppl. SCR 760	a 	239
- relied on	138	Bharat Amritlal Kothari v. Dosukhan 2009 (15) SCR 662		
Balram, son of Bhasa Ram v. Ilam Singh and Ors. 1996 (5) Suppl. SCR 104		distinguished		755
relied on	7	Bhargava (Dr.) and Co. and Anr. v. Shyam		
Bangalore Water Supply and Sewerage Board v A. Rajappa and Ors. 1978 (3) SCR 207	<i>/.</i> 1023	Sunder Seth by LRS. 1994 (1) Suppl. SCR 445		926
Bani Singh and Others v. State of U.P. 1996 (3)		Bihar Distillery and Anr. v. Union of India and Ors. 1997 (1) SCR 680		1060
Suppl. SCR 247 – relied on	158	Binay Kumar v. State of Bihar 1996 (8) Suppl. SCR 225		
		- cited		800

(xiii)			(xiv)			
Bishan Paul v. Mothu Ram AIR 1965 SC 1994		923	Chandrasekaran (V.) & Anr. v. The Administrative	9		
Bombay Salt and Chemical Industries (M/s.) v. L.J. Johnson and Ors. AIR 1958 SC 289		923	Officer & Ors. JT 2012 (9) SC 260 – relied on		335	5
Bondu Ramaswamy and Ors. v. Bangalore Development Authority and Ors. 2010			Chandrasekaran (V.) and Anr. v. The Administrati Officer and Ors. 2012 (12) SCC 133	ive		
(6) SCR 29			relied on		981	
relied on		982	Charan Lal Sahu v. Union of India (Bhopal Gas		440	
Boolin Hulder v. State 1996 Crl.L.J. 513			Disaster) 1989 (2) Suppl. SCR 597	••••	413	j
relied on		800	Chauhan (N.K.) and Ors. <i>v.</i> State of Gujarat and Ors. 1977 (1) SCR 1037			
Brajendra Singh v. State of M.P. 2012 (3) SCR 599		29	– relied on		6	;
C.I.T. Madras v. Mr. P. Firm Muar 1964 SCR 45	••••	25	Chief Conservator of Forests and Anr. v.			
rolled on		335	Jagannath Maruti Kondhare etc.etc., 1995 (6) Suppl. SCR 259		1023	}
Cauvery Coffee Traders, Mangalore v. Hornor Resources (International) Company Limited 2011 (12) SCR 473			Chief Conservator of Forests, Govt. of A.P. v. Collector & Ors. 2003 (2) SCR 180			
– relied on .		335	relied on		398	}
Central Inland Water Transport Corporation Ltd. v. Brojo Nath Ganguly 1986 (2) SCR 278			Chinnammal and Ors. v. P. Arumugham and Anr. 1990 (1) SCR 78			
		1024	cited		4	ŀ
Ch. Subba Rao <i>v.</i> Member, Election Tribunal, Hyderabad (1964) 6 SCR 213			Collector of Bombay <i>v.</i> Nusserwanji Rattanji Mistri and Ors. AIR 1955 SC 298		924	
– followed		1110		an	d 925)
Challappa Ramaswami v. State of Maharashtra AIR 1971 SC 64: 1970 (2) SCC 426		158	Commissioner of Income Tax <i>v.</i> Willamson Financial Services & Ors. 2007 (13) SCR 376			
Chandra Prakash and Others v. State of U.P.			relied on		337	,
and Another 2002 (2) SCR 913		159	Commissioner of Police, Bombay <i>v.</i> Govardhand: Bhanji 1952 SCR 135	as		
			relied on		985	<u>;</u>

		(AVI)		
	771	Dharam Pal v. State of Haryana and Ors. 2008 (17) SCR 564		989
	771	Dharma Pal and Others v. State of Punjab AIR 1993 SC 2484		
••••	,,,	relied on		108
		<u> </u>		
	337	- relied on		982
	1060	Dinesh Kumar v. State of Rajasthan 2008 (11) SCR 843		
		cited		800
	369	Dipak Kumar Mukherjee v. Kolkata Municipal		
		Corporation and Others (2012) 10 SCALE 29		484
	823	Director, SCTI for Medicine Science and Technology v. M. Pushkaran (2007)		
				105
	1024		••••	125
		C. Planning Department Haryana & Ors.		
	208	2010 (15) SCR 85		
		relied on		336
)	000			
••••	920			151
			••••	131
	800	District, A.P. v. K.B.N. Visweshwara Rao		
		and Ors. 1996 (5) Suppl. SCR 73		565
	1108			
		771 337 1060 369 823 1024 208 926 926	Dharam Pal v. State of Haryana and Ors. 2008 (17) SCR 564 - relied on Dharma Pal and Others v. State of Punjab AIR 1993 SC 2484 - relied on Dhurandhar Prasad Singh v. Jai Prakash University and Ors. 2001 (3) SCR 1129 - relied on Dinesh Kumar v. State of Rajasthan 2008 (11) SCR 843 - cited Dipak Kumar Mukherjee v. Kolkata Municipal Corporation and Others (2012) 10 SCALE 29 Director, SCTI for Medicine Science and Technology v. M. Pushkaran (2007) 12 SCC 465 - relied on DLF Universal Ltd. & Anr. v. Director, T. and C. Planning Department Haryana & Ors. 208 DIF Universal Ltd. & Anr. v. Director, T. and C. Planning Department Haryana & Ors. 2010 (15) SCR 85 - relied on Eastern Coalfields Limited v. Dugal Kumar (2008) 11 SCR 369 - held per incuriam Excise Superintendent Malkapatnam, Krishna District, A.P. v. K.B.N. Visweshwara Rao and Ors. 1996 (5) Suppl. SCR 73	Dharam Pal v. State of Haryana and Ors. 2008 (17) SCR 564 - relied on Dharma Pal and Others v. State of Punjab AIR 1993 SC 2484 - relied on Dhurandhar Prasad Singh v. Jai Prakash University and Ors. 2001 (3) SCR 1129 - relied on Dinesh Kumar v. State of Rajasthan 2008 (11) SCR 843 - cited 369 Dipak Kumar Mukherjee v. Kolkata Municipal Corporation and Others (2012) 10 SCALE 29 823 Director, SCTI for Medicine Science and Technology v. M. Pushkaran (2007) 12 SCC 465 - relied on DLF Universal Ltd. & Anr. v. Director, T. and C. Planning Department Haryana & Ors. 2010 (15) SCR 85 - relied on Eastern Coalfields Limited v. Dugal Kumar (2008) 11 SCR 369 - held per incuriam Excise Superintendent Malkapatnam, Krishna District, A.P. v. K.B.N. Visweshwara Rao and Ors. 1996 (5) Suppl. SCR 73

Fateh Chand v. Balkishan Das 1964 SCR 515			Gupta (B.L.) & Anr. v. M.C.D. (1998) 9 SCC 223)	
– relied on		416	relied on		537
Friends Colony Development Committee <i>v.</i> State of Orissa 2004 (5) Suppl. SCR 818		484	Gura Singh v. State of Rajasthan 2000 (5) Suppl. SCR 408		
Gangabai Gopaldas Mohata <i>v.</i> Fulchand and Ors) .		relied on		138
1996 (10) Suppl. SCR 457			Gurdial Singh v. Union of India 2001 (3) Suppl.		
relied on		7	SCR 323		790
General Officer Commanding v. CBI and Anr. 2012 (2) SCR 640		985	Guru Basavaraj v. State of Karnataka (2012) 8 SCC 734		
Gian Chand <i>v.</i> Gopala and Ors. 1995 (1)			relied on		108
SCR 412 – relied on		981	Gurunath Manohar Pavaskar & Ors. v. Nagesh Siddappa Navalgund & Ors. 2007 (13) SCR	₹ 77	
Giri (N.S.) v. Corporation of City of Mangalore			relied on		398
and Others 1999 (3) SCR 771		158	H.P. Public Service Commission v. Mukesh Thakur and Anr. 2010 (7) SCR 189		
Girnar Traders (3) v. State of Maharashtra 2011 (3) SCR 1		1109	- relied on		985
Government of A.P. and Another <i>v.</i>		1103	Haider (M.N.) and Ors. v. Kendriya Vidyalaya	••••	000
B. Satyanarayana Rao (dead) by LRs			Sangathan and Ors. (2004) 13 SCC 677		
and Ohers 2000 (2) SCR 1009		450	relied on		151
- relied on	••••	158	Hans Raj Banga v. Ram Chander Aggarwal		000
Government of India v. K.V. Swaminathan 1996 (8) Suppl. SCR 737		790	2005 (3) SCR 994		926
Government of Orissa <i>v.</i> Ashok Transport Agency	····· /	790	Har Narain (Dead) by Lrs. v. Mam Chand (Dead) by LRs. and Ors. 2010 (12) SCR 974	1	
and Ors. 2002 (3) SCR 632			relied on		981
relied on		982	Hardwari Lal v. Kanwal Singh 1972 (3) SCR 742) •	
Govinda Kadtuji Kadam <i>v.</i> The State of Maharashtra 1970 (3) SCR 525		158	relied on		1110
Gramophone Co. of India <i>v.</i> Birendra Bahadur Pandey 1984 (2) SCR 664		602	Haresh Mohandas Rajput v. State of Maharashtra 2011 (14) SCR 921	ì 	29

(xx)

Hari Ram <i>v.</i> State of Rajasthan and Anr. 2009 (7) SCR 623			International Coach Builders Ltd. v. Karnataka State Financial Corpn. 2003 (2) SCR 631		208
- relied on		583	Jacob (T.M.) <i>v.</i> C. Poulose and Ors. 1999 (2) SCR 659		
Harigovind Yadav v. Rewa Sidhi Gramin Bank and Ors. 2006 (2) Suppl. SCR 116		1060	relied on		1110
Harpal Singh Chauhan v. State of U.P. 1993 (3) SCR 969			Jagdish Chand and Anr. v. State of Haryana and Anr. (2005) 10 SCC 162		
relied on		370	relied on		989
Haryana Public Service Commission v. Amarjeet Singh 1999 SCC (L&S) 1451	t		Jagrup Singh v. State of Haryana 1981 (3) SCR 839		436
relied on		960	Jagtar Singh v. State of Punjab (1983) 2		
Himadri Coke & Petro Ltd. v. Soneko Developer	rs		SCC 342		436
(P) Ltd. And Ors. (2005) 12 SCC 364			Jaimal Singh, s/o Jawahar Singh and Anr. v.		000
relied on		7	Smt. Gini Devi AIR (1964) Punjab 99		923
Himani Malhotra v. High Court of Delhi 2008 (5) SCR 1066			Jaipur Development Authority v. Mahavir Housing Coop. Society, Jaipur and Ors. 1996 (6) Suppl. SCR 491	9	
distinguished		957	– relied on		981
Hindustan Times Ltd. v. Workmen AIR 1963				••••	301
SC 1332		159	Jameel v. State of Uttar Pradesh 2009 (15) SCR 712		
Hukumchand Mills <i>v.</i> State of Madhya Pradesh 1964 SCR 857		602	– relied on		108
Inamdar (P.A.) and Ors. v. State of Maharashtra			Janak Raj <i>v.</i> Gurdial Singh (1967) 2 SCR 77		
and Ors. 2005 (2) Suppl. SCR 603		823	cited		4
Indian Oil Corporation Ltd. v. Municipal Corporation and Another 1995 (3)			Janardhan (M.V.) Reddy v. Vijaya Bank and Ors 2008 (7) SCR 520	-	
SCR 246		159	distinguished		210
Industrial Supplies Pvt. Ltd. & Anr. v. Union of India & Ors. 1981 (1) SCR 375			Janatha Textiles and Ors. v. Tax Recovery Officer and Anr. 2008 (8) SCR 1148		
relied on		337	cited		4

Janba (dead) thr. Lrs. v. Gopikabai (Smt.) 2000 (2) SCR 1035			Kerala Educational Bill, 1957, In re. 1959 SCR 995.		823
relied on		335	Kerala State Electricity Board & Anr. v. Kurien E	Ξ.	
Jaspal Singh @ Pali v. State of Punjab (1997) 1 SCC 510			Kalathil & Ors. 2000 (1) Suppl. SCR 581		
- relied on		138	relied on		335
Jayantilal Investments v. Madhuvihar Cooperative Housing Society 2007 (1) SCR 677			Keshav Mills Co Ltd. v. Union of India 1973 (3) SCR 22		
- relied on		483	relied on		413
Jitendra & Anr v. State of M.P. 2003 (3) Suppl. SCR 918	••••	400	Khandesh College Education Society, Jalgaon <i>v</i> Arjun Hari Narkhede 2011 (7) SCR 175	.	
– relied on		294	relied on		306
Jitendra Nath Singh v. Official Liquidator and			Khela Banerjee and Anr. v. City Montessori School and Ors. (2012) 7 SCC 261		
Ors. (2013) 1 SCC 462	••••	208	– relied on		985
Jyoti Bhushan Gupta and Ors. <i>v.</i> The Banaras Bank Ltd. 1962 Suppl. SCR 73			Khem Chand v. Union of India and Ors. 1963 Suppl. SCR 229		
relied on		209	- relied on		864
Kamalam (M.) v. Dr. V.A. Syed Mohammed 1978 (3) SCR 446			Khoday Distilleries Ltd. and Ors. v. State of	477	00.
relied on		1111	Karnataka and Ors. 1994 (4) Suppl. SCR 4 – relied on	+//	1056
Kanya Junior High School, Bal Vidya Mandir,				••••	1030
Etah, U.P. v. U.P. Basic Shiksha Parishad, Allahabad, U.P. and Ors. 2006 (4)			Krishna Kumar Narula etc. <i>v.</i> State of Jammu and Kashmir and Ors. 1967 SCR 50		
Suppl. SCR 813			relied on		1056
cited		823	Kunju Mohd. v. State of Kerala (2004) 9		
Kartar Singh v. State of Punjab 1994 (2)			SCC 193		
SCR 375		771	cited		800
Kaushal (P.N.) and Ors. v. Union of India and Ors 1979 (1) SCR 122	S.		Lallu Manjhi and Anr. v. State of Jharkhand 2003 (1) SCR 1		584
relied on		1056			

.... 1110

....

(AXIII)			(MV)
LIC of India and Anr. v. Consumer Education and Research Centre and Ors. 1995 (1)			Mahesh Kumar and Anr. v. Union of India 151 (2008) Delhi Law Times 353
Suppl. SCR 349 – relied on		1021	Mahindra and Mahindra Ltd. v. Union of India and Anr. 1979 (2) SCR 1038
LIC of India v. D.J. Bahadur 1981 (1) SCR 108	33	159	relied on
Life Insurance Corporation of India v. Mrs. Asha Ramchandra Ambedkar and Anr. 1994 (2) SCR 163	a		Mallikarjunappa (G.) and Anr. v. Shamanur Shivashankarappa and Ors. (2001) 4 SCC 428
relied on		985	- relied on .
Lt. Governor of Delhi and Ors. v. V.K. Sodhi and Ors. 2007 (8) SCR 1027			Man Singh and Another v. State of Madhya Pradesh 2008 (13) SCR 966
relied on		1022	Mani (N.) v. Sangeetha Theatre and Ors. (2004)
M.D., H.S.I.D.C. and Ors. v. M/s. Hari Om			12 SCC 278
Enterprises and Anr. 2008 (9) SCR 821		1023	Manilal Mohanlal Shah and Ors. v. Sardar Sayed
Maganbhai Ishwarbhai Patel v. Union of India and Anr. 1969 (3) SCR 254		602	Ahmed Sayed Mahmed and Anr. 1955 SCR 108
Mahadeo Bhau Khilare (Mane) and Ors. v.			relied on
State of Maharashtra and Ors. 2007 (6) SCR 244			Manish Kumar Shahi v. State of Bihar and Ors. 2010 (12) SCC 576
relied on		987	Manju Verma (Dr.) v. State of U.P. and Ors.
Mahadeo Prasad Sahu v. Gajadhar Prasad Sa	hu		2004 (6) Suppl. SCR 22
AIR 1924 Patna 362		924	relied on
Maharashtra State Board of Secondary and Higher Education v. K.S. Gandhi & Ors.			Manjushree (K.) v. State of Andhra Pradesh 2008 (2) SCR 1025
1991 (1) SCR 772			distinguished.
- relied on		413	Manohar Lal (D) by Lrs. v. Ugrasen (D) by Lrs.
Maharashtra State Board of Secondary and Higher Secondary Education & Anr. v.			and Ors. 2011 SCR 634
Paritosh Bhupeshkumar Sheth & Ors. (1984) 4 SCC 27			relied on
relied on		413	

,		,		
Mariyappa & Ors. v. State of Karnataka & Ors. 1998 (1) SCR 988		Mohammed (P.A.) Riyas v. M.K. Raghavan and Ors. 2012 (4) SCR 56		
relied on	 335	disapproved		1108
Mary Roy and Ors. v. State of Kerala and Ors. 1986 (1) SCR 371		Mohan Singh <i>v.</i> Amar Singh, 1998 (1) Suppl. SCR 252		1108
relied on	 6	Mohd. Hussain alias Julfikar Ali v. State		
Mathew (K.M.) <i>v.</i> K.A. Abraham 2002 (1) Suppl. SCR 662		(Government of NCT of Delhi) (2012) 9 SCC 408		772
relied on	 721	Mohd. Sukur Ali v. State of Assam (2011 (3)		
Mathew (K.M.) v. State of Kerala 1991 (2)		SCR 209		450
Suppl. SCR 364	 721	held per incuriam		158
Meera Sahni <i>v.</i> Lieutenant Governor of Delhi and Ors. 2008 (10) SCR 1012		Moidutty (R.P.) v. P.T. Kunju Mohammad and An (2000) 1 SCC 481	r.	
relied on	 981	relied on		1111
Mehra (H.L.) v. Union of India 1975 (1)		Moti v. State of U.P. (2003) 9 SCC 444		
SCR 138	 864	cited		800
Merambhai Punjabhai Khachar and Others <i>v.</i> State of Gujarat AIR 1996 SC 3236		Mukund Lal Bhandari and Ors. v. Union of India and Ors. 1993 (3) SCR 891		790
relied on	 108	Murarka Radhey Shyam Ram Kumar v. Roop		
Mittal (S.P.) Etc. <i>v.</i> Union of India and Ors. 1983 (1) SCR 729		Singh Rathore and Ors. (1963) 3 SCR 573 – followed		1110
relied on	 823	Mussauddin Ahmed v. State of Assam (2009)		
Mobarik Ali Ahmad v. State of Bombay		14 SCC 541		
1958 SCR 328	 602	cited		800
Mohammed (A.S.) Rafi v. State of Tamil Nadu 2010 (14) SCR 792	 158	Mysore Paper Mills Ltd. v. Mysore Paper Mills Officers' Assn. and Anr. 2002 (1) SCR 37		1023
relied on	 367	relied on		1021
		Nagarajan (B.N.) and Ors. etc. v. State of Mysoro and Ors. etc. AIR 1966 SC 1942	е	
		relied on		987

Nagendra (N.) Rao and Co. v. State of A.P. 1994 (3) Suppl. SCR 144	1023	National Mineral Development Corporation Limited v. State of Madhya Pradesh & Anr.	,	
Nagpur Improvement Trust v. Vasantrao and O and Jaswantibai and Ors. 2002 (2)	Ors.	2004 (2) Suppl. SCR 1 – relied on		708
Suppl. SCR 636 - relied on	6	Nelson Motis v. Union of India and Anr. 1992 (1) Suppl. SCR 325	ı	
Nagubai Ammal & Ors. v. B. Shama Rao & O		- relied on		864
1956 SCR 451)13.	New Maneck Chowk Spg. And Wvg Co. Ltd. v.		
relied on	334	Textile Labour Assn. AIR 1961 SC 867		159
Nair Service Society Ltd. v. K.C. Alexander & Ors. & Ors. 1968 SCR 163		Nirmal Chandra Bhattachrjee & Ors. v. Union of India & Ors. 1991 Supp. 2 SCC 363		
relied on	398	relied on		537
Nanak Chand Sharma v. Union of India and O 29 (1986) DLT 246	Ors. 926	Noor Aga v. State of Punjab and Another 2008 (10) SCR 379		295
Narasimha (P.V.) Rao v. State (CBI/SPE) 199 (2) SCR 870	98 678	Onkarlal Nandlal v. Rajasthan and Anr. 1985 (2) Suppl. SCR 1075		
Narayanaswamy (V.) v. C.P. Thirunavukkarasu	I	relied on		6
2000 (1) SCR 292		Osmania University v. V.S. Muthurangam and Ors	S.	
relied on	1110	1997 (1) Suppl. SCR 499		
Narendra Champaklal Trivedi v. State of Gujar	rat	relied on	••••	6
2012 (6) SCR 165	400	Padanathil Ruqmini Amma v. P.K. Abdulla		
relied on	162	1996 (1) SCR 651		
Narmada Bachao Andolan v. State of Madhya	a .	- cited	••••	4
Pradesh and Anr. 2011 (6) SCR 443 – relied on	983	Pandurang v. State of Hyderabad 1955 SCR 1083		550
Nashirwar and Others v. State of Madhya Pracand Ors. 1975 (2) SCR 861	desh	Pankaj Mehra and Anr. v. State of Maharashtra and Ors. 2000 (1) SCR 825		
relied on	1056	relied on		982

Para Seenaiah and Another v. State of Andhra Pradesh and Another (2012) 6 SCC 800			Pratap Singh v. State of Jharkhand and Anr. 2005 (1) SCR 1019	
relied on		108	 held inapplicable 	 583
Paramjeet Singh Patheja v. ICDS Ltd. 2006 (8) Suppl. SCR 178			Pravin Gada and Anr. v. Central Bank of India and Ors. (2013) 2 SCC 101	
relied on		337	relied on	 209
Polymat India P. Ltd. & Anr. v. National Insuranc Co. Ltd. & Ors. 2004 (6) Suppl. SCR 535	е		Priya Gupta v. State of Chhattisgarh and Ors. 2012 (5) SCR 768	
relied on		336	relied on	 983
Ponnala Lakshmaiah <i>v.</i> Kommuri Pratap Reddy 2012 (6) SCR 851			Priyanka Estates International Pvt. Ltd. v. State of Assam 2009 (16) SCR 80	 484
– relied on		1110 1111	Punjab Financial Corporation v. Garg Steel (2010) 15 SCC 546	
Pradeep Kumar Biswas v. Indian Institute of			relied on	 985
Chemical Biology and Ors. 2002 (3) SCR 100			Punjab Land Development & Reclamation Corpn Ltd. v. Labour Court 1990 (3) SCR 111	 159
relied on		1022	Punjab National Bank by Chairman and Anr. v.	
Pradeep Oil Corporation v. Municipal Corporatio	on		Astamija Dash, 2008 (7) SCR 365	
of Delhi & Anr. 2011 (4) SCR 764 – relied on		335	relied on	 1024
Pradip Chandra Parija and Others v. Pramod	••••	333	Punjab State Electricity Board v. Malkiat Singh 2004 (5) Suppl. SCR 329	
Chandra Patnaik and Others 2001 (5) Suppl. SCR 460		159	relied on	 125
Praga Tools Corporation <i>v.</i> Shri C.V Imanual and Ors. 1969 (3) SCR 773	••••		Punjab Urban Planning & Development Authority & Ors. v. Raghu Nath Gupta & Ors. (2012) 8 SCC 197	
relied on		985	relied on	 337
Prahlad Sharma v. State of U.P. & Ors. 2004 (2) SCR 594			Radhakissen Chamria & Ors. v. Durga Prasad Chamria & Anr. AIR 1940 PC 167	
– relied on		335	relied on	 337

,			,			
Raj Deo Sharma (II) v. State of Bihar 1999 (3) Suppl. SCR 124		772	Ram Naresh Yadav and Others v. State of Bihar AIR 1987 SC 1500		158	
Rajasthan High Court Advocates Association <i>v.</i> Union of India and Ors. 2000 (5) Suppl. SCR 743			Ramana Dayaram Shetty v. International Airport Authority of India and Ors. 1979 (3) SCR 1014			
relied on		990	relied on		1022	
Rajasthan State Electricity Board Jaipur v. Mohal Lal and Ors. 1967 SCR 377	n 	1023	Ramanathan (K.) v. State of Tamil Nadu and Anr. 1985 (2) SCR 1028			
Rajasthan State Financial Corpn. and Anr. v.			relied on		1021	
Official Liquidator and Anr. 2005 (3) Suppl. SCR 1073			Ramashish Yadav v. State of Bihar 1999 (2) Suppl. SCR 285		550	
relied on		210	Ramchandra (P.) Rao v. State of Karnataka			
Rajdeo Sharma v. State of Bihar 1998 (2)			(2002) 4 SCC 578		772	
Suppl. SCR 130 Rajendra Kumar Srivastava and Ors. v. Samyut		771	Ramesh Chandra Sankla etc. v. Vikram Cement etc. 2008 (10) SCR 243			
Kshetriya Gramin Bank and Others 2009			relied on		335	
(15) SCR 936			Ramesh Singh v. State of A.P. (2004) 11			
relied on	••••	239	SCC 305			
Rajesh D. Darbar and Ors. v. Narasingrao			relied on		550	
Krishnaji Kulkarni and Ors. 2003 (2) Suppl. SCR 273		1025	Ramnaresh and Ors. v. State of Chhattisgarh 2012 (3) SCR 630		29	
Rakhi Ray & Ors. v. The High Court of Delhi			Rani Drig Raj Kuer v. Raja Sri Amar Krishna			
2010 (2) SCR 239		105	Narain Singh 1960 SCR 431			
- relied on		125	relied on		1058	
Ram Kirpal Bhagat and Ors. v. State of Bihar 1970 (3) SCR 233			Rao Mahmood Ahmed Khan v. Sh. Ranbir Singh and Ors. (1995) 4 SCC 275			
relied on		6	- relied on		7	
Ram Kishore Sen & Ors. v. Union of India & Ors. 1966 SCR 430			Ratanchand (M.) Chordia and Ors. v. Kasim	••••		
relied on		337	Khaleeli AIR 1964 Madras 209		924	

` ,			` ,		
Rattiram and Others <i>v.</i> State of Madhya Pradesh 2012 (3) SCR 496		159	Sant Ram Sharma v. State of Rajasthan and Ors. 1968 SCR 111		
RBF Rig Corporation, Mumbai v. The Commissio	ner		relied on		987
of Customs (Imports), Mumbai 2011 (2) SCR 691		1060	Santa Singh v. The State of Punjab 1977 (1) SCR 229		
Rikhy (H.S.) (Dr.) etc. v. The New Delhi Municipal	l		relied on		108
Committee 1962 Suppl. SCR 604 – relied on		989	Sapa (F.A.) and Ors. v. Singora and Ors. (1991) 3 SCC 395		1111
Roshan Lal Goswami v. Gobind Raj and Ors. AIR (1963) Punjab 532			Sapa (F.A.) and Ors. <i>v.</i> Singora and Ors. 1991 (2) SCR 752		
relied on		925	- relied on		1111
Roy (A.K.) v. Union of India and Others 1982 (2) SCR 272		679	Sardar Harcharan Singh Brar v. Sukh Darshan Singh 2004 (5) Suppl. SCR 682		
Royal Paradise Hotel (P) Ltd. v. State of Haryana	à		relied on		1110
and Ors. 2006 (5) Suppl. SCR 396 – held inapplicable Sahadevan and Anr. v. State of Tamil Nadu		483	Sardara Singh (Dead) by Lrs. and Anr. <i>v.</i> Sardara Singh (Dead) and Ors. (1990) 4 SCC 90		
(2012) 6 SCC 403			– relied on		7
relied on		138	Satyajit Banerjee and Others v. State of West		
Sahodrabai Rai <i>v.</i> Ram Singh Aharwar (1968) 3 SCR 13			Bengal and Others 2004 (6) Suppl. SCR 294		772
relied on		1111	Secretary, Jaipur Development Authority, Jaipur v	v.	
SAIL v. Gupta Brother Steel Tubes (2009) 10 SCC 63			Daulat Mal Jain and Ors. 1996 (6) Suppl. SCR 584		
– relied on		416	relied on		981
Sakatar Singh and Ors. v. State of Haryana (2004) 11 SCC 291			Secretary, Ministry of Information & Broadcasting, Govt. of India and Others v. Cricket Association of Bengal and Others	,	
relied on		733	1995 (1) SCR 1036		678

Secretary, State of Karnataka and Ors. v. Umado (3) and Ors. 2006 (3) SCR 953	evi		Sher Singh v. Union of India & Ors. 1984 (1) SCR 464		
relied on		565	relied on		337
Shailesh Jasvantbhai and Another v. State of	an	d 987	Shiba Prasad Singh v. Srish Chandra Nandi AIR 1949 PC 297		
Gujarat and Others 2006 (1) SCR 477			relied on		989
relied on		108	Shilpa Shares and Securities and Ors. v.		
Sham Sunder Khanna <i>v</i> . Union of India 1997 Rajdhani Law Reporter 101		926	The National Co-operative Bank Ltd. and Ors. 2007 (5) SCR 1128		
Shamsher Singh v. State of Punjab 1975			relied on		7
(1) SCR 814			Shri Morvi Sarvajanik Kelavni Mandal Sanchalit		
followed		369	MSKM B.Ed. College v. National Council		
Shankarsan Dash <i>v.</i> Union of India 1991 (2) SCR 567		370	for Teachers' Education and Ors. 2011 (13) SCR 555		1099
relied on		125	Shrikant Anandrao Bhosale v. State of Maharash 2002 (2) Suppl. SCR 612	tra	
Shanker Motiram Nale v. Shiolalsing Gannusing Rajput (1994) 2 SCC 753			– relied on		275
- relied on		151	Shyam Deo Pandey and Others v. The State of Bihar 1971 (0) Suppl. SCR 133		158
Shanti Sports Club v. Union of India 2009 (13) SCR 710		484	Siddanna Apparao Patil v. State of Maharashtra 1970 (3) SCR 909		158
Sharad Birdhichand Sarda v. State of Maharasht	tra			••••	130
1985 (1) SCR 88		27	Siddharam Satlingappa Mhetre <i>v.</i> State of Maharashtra 2010 (15) SCR 201		159
Sharda Devi v. State of Bihar and Anr. 2003 (1) SCR 73			Sindhi Education Society and Anr. v. The Chief	••••	100
relied on		926	Secretary, Govt. of NCT of Delhi and Ors. 2010 (8) SCR 81		
Sharma (K.C.) v. Delhi Stock Exchange and Ors 2005 (4) SCC 4	• ,		relied on		990
- relied on		1024	Sivaiah (B.V.) <i>v.</i> K. Addanki Babu 1998 (3) SCR 782		240

(xxxvii)

(xxxviii) State of Bihar v. Bal Mukund Sah 2000 (2) Smt. Kalawati v. Bisheshwar 1968 SCR 223 **SCR 299** 370 relied on 981 State of Gujarat and Anr. v. Hon'ble Mr. Justice Smt. Sneh Prabha and Ors. v. State of U.P. R.A. Mehra (Retd.) and Ors. 2013 (3) SCC 1 and Anr. 1995 (5) Suppl. SCR 264 990 - relied on relied on 983 State of Gujarat and Anr. v. P.J. Kampavat and Sri Nasiruddin v. State Transport Appellate Ors. 1992 (2) SCR 845 Tribunal 1976 (1) SCR 505 relied on 565 relied on 990 State of H.P. v. Mango Ram 2000 (2) Suppl. Srinivasulu v. State of A.P. 2007 (9) SCR 842 **SCR 626** 288 - relied on 734 State of Kerala Etc. v. Mother Provincial Etc. Star Enterprises (M/s.) and Ors. v. City and 1971 (1) SCR 734 Industrial Development Corpn. of Maharashtra - relied on 823 Ltd. and Ors. 1990 (2) SCR 826 State of Kerala v. N.M. Thomas 1976 (1) - relied on 1021 SCR 906 239 State of A. P. and Ors. v. McDowell and Co. State of Kerala v. M.K. Kunhikannan Nambiar and Ors. 1996 (3) SCR 721 Manjeri Manikoth, Naduvil (dead) and Ors. 1056 relied on 1995 (6) Suppl. SCR 139 State of A.P. v. Punati Ramulu (1994) Suppl. - relied on 982 1 SCC 590 State of M.P. v. Devkinandan Maheshwari cited 800 (2003) 3 SCC 183 790 State of Andhra Pradesh & Ors. v. D. Dastagiri State of Madhya Pradesh v. Nandlal Jaiswal & Ors. 2003 (3) SCR 877 1987 (1) SCR 1 relied on 125 relied on 1058 State of Andhra Pradesh v. Rayavarapu State of Madhya Pradesh v. Ramashanker Punnayya & Anr. 1977 (1) SCR 601 436 Raghuvanshi 1983 (2) SCR 393 State of Bihar & Ors. v. Secretariat Assistant relied on 367 Successful Examinees Union & Ors. 1993 (3) State of Madras and Anr. v. K.M. Rajagopalan Suppl. SCR 134 1955 SCR 541 relied on 125 - relied on 989

,			. ,		
State of Maharahstra v. Dnyaneshwar Laxaman Rao Wankhede 2009 (11) SCR 513			State of Rajasthan <i>v.</i> Babu Meena, 2013 (2) SCALE 479		
relied on		161	relied on		851
State of Maharashtra v. Laljit Rajshi Shah & Ors. 2000 (1) SCR 1239			State of Rajasthan v. Smt. Kalki and Anr. 1981 (3) SCR 504		
relied on		337	relied on		584
State of Maharashtra v. Nagpur Distilleries (2006) 5 SCC 112			State of U.P. & Ors. v. Bridge & Roof Co. (India) Ltd. 1996 (4) Suppl. SCR 762		
relied on		1057	relied on		335
State of Mysore v. Allum Karibasauppa and Ors 1975 (1) SCR 601	-,		State of U.P. (The) v. Raj Narain and Others 1975 (3) SCR 333		678
relied on		1021	State of U.P. v. Chhotey Lal 2011 (1) SCR 406		288
State of Orissa & Anr. v. Rajkishore Nanda & Ors. 2010 (6) SCALE 126			State of U.P. v. Jai Bir Singh 2005 (1) Suppl. SCR 20		1023
relied on		125	State of U.P. v. Synthetics and Chemicals Ltd.		
State of Orissa & Ors. v. M/s. Steel Authority of India Ltd. 1998 (3) SCR 1074		708	(1991) 4 SCC 139	 an	159 d 960
State of Orissa and Anr. v. Mamata Mohanty 2011 (2) SCR 704			State of West Bengal and Ors. v. Debasish Mukherjee and Ors. 2011 (13) SCR 1077		
distinguished		755	relied on		983
State of Orissa v. Choudhuri Nayak (Dead) through LRs. and Ors. 2010 (10) SCR 615		790	Steel Authority of India Ltd. and Ors. etc. v. National Union Water Front Workers and Ors. etc. 2001 (2) Suppl. SCR 242		
State of Punjab v. Amar Nath Goel 2005 (2) Suppl. SCR 549			Ors. etc.etc. 2001 (2) Suppl. SCR 343 – relied on		1021
- distinguished		887	Sube Singh and Ors. <i>v.</i> State of Haryana and Ors. (2001) 7 SCC 545		
State of Rajasthan <i>v.</i> Amrit Lal Gandhi 1997 (1) SCR 121			- relied on		989
distinguished		887			

` ,			` ,			
Sucha Singh v. State of Punjab 2001 (2) SCR 644			Suresh Koshy George v. University of Kerala 1969 SCR 317			
relied on		27	relied on		2	413
Sudarshanacharya v. Purushottamacharya and Another (2012) 9 SCC 241	an 	nd 192 772	Suseel Finance and Leasing Company v. M. Latand Ors. (2004) 13 SCC 675	:a		. – .
, ,		112	relied on	••••	1	151
Sudhakaran v. State of Kerala 2010 (12) SCR 873			T.M.A. Pai Foundation and Ors. <i>v.</i> State of Karnataka and Ors. 2002 (3) Suppl.			
relied on		275	SCR 587		8	323
Sukhdev Singh and Ors. v. Bhagatram Sardar Singh Raghuvanshi and Anr. 1975 (3) SCR 619		1023	T.N. Administrative Service Officers Association and Anr. v. Union of India and Ors. (2000) 5 SCC 728			
Supreme Court A.O.R Association v. Union of			relied on		10	081
India 1993 (2) Suppl. SCR 659		370	Tanviben PankajKumar Divetia v. State of			
Supreme Court Employees' Welfare Association	<i>V.</i>		Gujarat 1997 (1) Suppl. SCR 96			27
Union of India and Another 1989		070	Thangavelu v. State of TN (2002) 6 SCC 498			
(3) SCR 488		679	cited		8	300
Surajmull Nagoremull v. Triton Insurance Co. Ltd AIR 1925 PC 83	•		U.P. Cooperative Cane Unions Federations <i>v.</i> West U.P. Sugar Mills Association			
relied on		989	and Ors. etc.etc., 2004 (2) Suppl. SCR 238	3		
Surana Steels Pvt. Ltd. (M/s) v. The Deputy			– relied on		10	021
Commissioner of Income Tax and Ors. 1999 (2) SCR 589			U.P. Rashtriya Chini Mill Adhikari Parishad, Lucknow v. State of U.P. and Ors. 1995			
relied on		6	(1) Suppl. SCR 733			
Suresh Chandra Bahri etc. v. State of Bihar			relied on		ç	990
1994 (1) Suppl. SCR 483		584	Umesh Challiyill v. K.P. Rajendran 2008			
Suresh Estates Private Limited v. Municipal			(3) SCR 457			
Corporation of Greater Mumbai 2007 (13) SCR 882			relied on		11	111
relied on		481				

and 875

,		` ,
Union of India (UOI) and Ors. v. Asian Food Industries 2006 (8) Suppl. SCR 485		Union of India v. Mohan Lal Kapoor 1974 (1) SCR 797
relied on	 1021	relied on
Union of India and Another v. Raghubir Singh (Dead) by LRs etc. 1989 (3) SCR 316	 158	Union of India v. P.N. Menon (1994) 4 SCC 68 – distinguished
Union of India and Anr. v. Bal Ram Singh and Anr. 1992 Suppl (2) SCC 136		Union of India <i>v.</i> Ramam Iron Foundry 1974 (3) SCR 556
relied on	 989	relied on
Union of India and Anr. v. Delhi High Court Bar Association and Ors. 2002 (2) SCR 450		Union of India v. Surjit Kaur and Anr. (2007) 15 SCC 627
relied on	 209	United India Insurance Co. Ltd. v. Harchand Rai
Union of India and Anr. v. Kaushalya Devi 2007		Chandan Lal 2004 (4) Suppl. SCR 662
(2) SCR 745	 790	relied on
Union of India and Ors. v. Arulmozhi Iniarasu and Ors. 2011 (9) SCR 1		UT Chandigarh Admn. & Anr. v. Amarjeet Singh & Ors. 2009 (4) SCR 541
relied on	 985	– relied on
Union of India and Ors. v. Kashiswar Jana 2008 (5) SCR 927	 790	Vakil Prasad Singh v. State of Bihar 2009 (1) SCR 517
Union of India v. Association for Democratic Reforms and Another 2002 (3) SCR 696.	 679	Veerappa (G.) Pillai <i>v.</i> Raman and Raman Ltd. and Ors. 1952 SCR 583
Union of India v. Avtar Singh 2006 (3) Suppl.	700	relied on
SCR 666	 790	Venugopal (P.) v. Madan P. Sarathi 2008 (15)
Union of India v. Dhanwanti Devi 1996 (5) Suppl. SCR 32	 960	SCR 25
Union of India v. Dharam Pal 2009 (2) SCR 193		Vijay @ Chinee v. State of Madhya Pradesh 2010 (8) SCR 1150
relied on	 565	- relied on
Union of India v. Kali Dass Batish 2006 (1) SCR 261		101104 011
relied on	 125	
distinguished	 369	

(x|v)

Vikram Singh and Ors. v. State of Punjab 2010 (2) SCR 22 - relied on 29 Vikramjit Singh v. State of Punjab 2006 (9) Suppl. SCR 375 - relied on 192 Virendra Kumar Srivastava v. U.P. Rajya Karmachari Kalyan Nigam and Anr. 2004 (6) Suppl. SCR 304 - relied on 1022 Virendra v. State of U.P. 2008 (14) SCR 706 - cited 800 Vishaka and Ors. v. State of Rajasthan and Ors. 1997 (3) Suppl. SCR 404 602 Vithal Dattatraya Kulkarni and Ors. v. Shamrao Tukaram Power SMT and Ors. 1979 (3) SCR 572 - relied on 1056 Vodafone International Holdings B.V. v. Union of India and Anr. 2012 (1) SCR 573 - relied on 1021 Wadeyar (B.K.) v. M/s. Daulatram Rameshwarlal 1961 SCR 924 - relied on 606 West Bengal State Electricity Board and Ors. v. Desh Bandhu Ghosh and Ors. 1985 (2) **SCR 1014**

.... 1024

- relied on

(xlvi)

Workmen <i>v.</i> Hindustan Steel Ltd. 1985 SCR 428	3	
relied on		1024
Yadu Nandan Garg <i>v.</i> State of Rajasthan and Ors. 1995 (4) Suppl. SCR 710		
relied on		981
Yogesh Kumar and Ors. v.Government of NCT Delhi and Ors. 2003 (2) SCR 662		
relied on		983
Zahira Habibulla H. Shekh and Another v. State of Gujarat and Others 2004 (3) SCR 1050		772
Zee Telefilms Ltd. (M/s.) and Anr. v. Union of India and Ors. 2005 (1) SCR 913		1023

(xlvii) (xlviii)

(xlix) (l)

(li) (lii)

(liii) (liv)

(Ivi)

(Ivii) (Iviii)

(lix) (lx)

(lxii)

(lxiii) (lxiv)

(lxvi)

(lxvii) (lxviii)

(lxix) (lxx)

(lxxi) (lxxii)

(lxxii) (lxxiv)

(lxxvi)

(lxxvii) (lxxviii)

(lxxix) (lxxx)

(lxxxi) (lxxxii)

(lxxxii) (lxxxiv)

(lxxxvi)

SUBJECT-INDEX

ABKARI ACT:

s.14.

(See under: Liquor; and Administrative

Law) ... 1053

ADMINISTRATIVE LAW:

- (1) (i) Natural justice Rules of Held: Are not rigid, immutable or embodied rules To an extent there has been a shift from the earlier thought that even a technical infringement of the rules is sufficient to vitiate action.
- (ii) Natural justice Doctrine of *audi alteram* partem Object of Held: Is to strike at arbitrariness and want of fair play.

(Also see under: Contract)

M/s. A.S. Motors Pvt. Ltd. v. Union of India and Ors. ... 409

- (2) (i) Policy decision Liquor policy of State Judicial review of Held: Monopoly in the trade of liquor is with the State State has power to frame and reframe, change and rechange, adjust and readjust its policy, which cannot be declared as illegal or arbitrary by court on the ground that earlier Policy was better Judicial Review.
- (ii) Statutory discretion Exercise of discretion must be based on reasonable grounds and cannot lapse into arbitrariness or *caprice anathema* to the rule of law envisaged under Art.14 of the Constitution However, onus to prove discrimination is on complainant Abkari Act s.14 Foreign Liquor (Compounding Blending,

Bottling) Rules, 1975 - r.4 C 1950 - Art. 14 - Evidence Act, to prove.	1872 - s.10 - On	
(Also see under: Administra	tive Law)	
State of Kerala and Ors. v. I Distilleries		1053
(3) Colourable exercise of po (See under: Circulars/Govern Notifications)	ment Orders/	978
ADVOCATES ACT, 1961: s. 49.	ll (272)	
(See under: Constitution of Ir	ıdıa, 1950)	364
APPEAL: (1) Appeal against conviction of accused-appellant that High have decided the appeal on mappellant's counsel - Held: Note that deciding the criminal appear adjourn the matter if both appear absent though court mapped are absent though court mapped are appeared in the appearance or indulgence, do so the appear after perusing the most trial court. (See under: Prevention of Countries of Countries against the prevention of Countries against the prevention of Countries against the prevention of Countries against conviction of accused a	th Court should receive in absence Not tenable - Court is not bound ellant or his couns ay, as a matter or - It can dispose ecord and judgments.	oot of urt to sel of of ent
K.S. Panduranga v. State of	•	155
(2) Appellate jurisdiction of Hig appeal - Held: As a first concount should record its of independent assessment of a (Also see under: Penal Code)	h Court - In crimir urt of appeal, Hi wn findings aft evidence.	nal gh
Bakshish Ram & Anr. v. Sta	te of Punjab	732

ARMS ACT, 1959: s.27. (See under: Penal Code, 1860)	797	(See under: Election Laws) (2) O. 21, rr.84, 85 and 86. (See under: Income Tax Act, 1961)	1107
BANKING PUBLIC FINANCIAL INSTITUTIONS AND NEGOTIABLE INSTRUMENTS LAWS (AMENDMENT) ACT, 1988: (See under: Negotiable Instruments Act, 1881)	80	CODE OF CRIMINAL PROCEDURE, 1973: (1) s.161, Explanation - Police statement - Omission of a fact or circumstance - The question whether omission amounts to contradiction is a question of fact which is to be determined by court. (Also see under: Penal Code, 1860)	
rr. 11 and 15.		Satya Pal v. State of Haryana & Anr	745
(See under: Constitution of India, 1950) CIRCULARS/GOVERNMENT ORDERS/	364	(2) s. 357(3). (See under: Sentence/Sentencing)	104
NOTIFICATIONS: (1) Circular No.8/4/83-FF(P) dated 31.1.1983 issued by Ministry of Home Affairs. (See under: Swatantrata Sainik Samman Pension Scheme, 1980)	788	(3) s.482 - Defamatory news item - In local edition of a newspaper - Complaint against Editor and Resident Editor alleging defamation - Editor sought quashing of the complaint on the ground that he was not aware of offending news item as	
(2) Circulars - Held: Executive instructions which have no statutory force, cannot override law - Therefore, any notice, circular, guidelines, etc. which run contrary to statutory laws, cannot be enforced - In the instant case, circulars issued by State Government, being inconsistent with the policy and law regarding acquisition, cannot be taken note of - Issuance of such circulars amounts		he was stationed at different place - High Court quashed the complaint against the Editor - Held: High Court quashed the prosecution on erroneous assumption of fact - In view of scheme of Press and Registration of Books Act and in view of presumption provided u/s. 7 thereof, Editor is responsible for publication of a news item - Press and Registration of Books Act, 1867 - s.7.	
to committing fraud upon statutes and also tantamounts to colourable exercise of power.		Gambhirsinh R. Dekare v. Falgunbhai Chimanbhai Patel and Anr	719
Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors	978	COMPANIES ACT, 1956: Jurisdiction. (See under: Recovery of Debts Due to	
CODE OF CIVIL PROCEDURE, 1908: (1) O. 6. r. 15(4).		Banks and Financial Institutions Act, 1993)	207

arbitrariness.

CONDUCT OF ELECTION RULES, 1961: r.94-A, Form No.25. (See under: Election Laws)	1107
CONSTITUTION OF INDIA, 1950: (1) Art. 12 - Instrumentality and agency of Government - Determination - Criteria - Discussed - Held: The Company in question is an authority u/ Art. 12.	
Balmer Lawrie & Co. Ltd. & Ors. v. Partha Sarathi Sen Roy & Ors	1018
(2) Art. 14. (See under: Administrative Law)	1053
(3) Art. 14 - Doctrine of discrimination - Held: Art. 14 does not envisage negative equality - Doctrine of discrimination is applicable only when invidious discrimination is meted out to equals, similarly circumstanced without any rational basis or to relationship that would warrant such discrimination.	
Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors	978
(4) Arts. 14 and 16. (See under: Service Law)	562
(5) Arts. 14 and 16 - Valid classification - A classification to be valid, must be based on just objective and differentiation must have reasonable nexus to the objective sought to be achieved - Any classification without reference to the object sought to be achieved, would be arbitrary and violative of the protection offered under Art.14 and also discriminatory and violative of protection offered under Art.16 - Quantum of discrimination is irrelevant to a challenge based on a plea of	

(Also see under: Service Law)	
Kallakkurichi Taluk Retired Official Association, Tamilnadu, etc. v. State of Tamilnadu	883
(6) Arts.19(1)(a) and 19(2) - Freedom of speech and expression - Right to receive information - Held: Freedom of speech and expression includes right to receive information - But such right can be limited by reasonable restrictions under the law made for the purpose mentioned in Art.19(2) - It is imperative for the State to ensure availability of the right to citizens to receive information - But such information can be given to the extent it is available and possible, without affecting the fundamental right of others. (Also see under: Drugs and Cosmetics Rules, 1945)	
Indian Soaps & Toiletries Makers Association v. Ozair Husain and Ors.	675
(7) Arts.19(1)(g) and 47 - Fundamental right to trade or business in liquor - Held: In view of the directive principles provided under Art.47, State has exclusive right or privilege in respect of potable liquor - A citizen has, therefore, no right to trade or business in liquor as a beverage and the activities, which are res extra commercium. (Also see under: Liquor)	
State of Kerala and Ors. v. Kandath Distilleries	1053
(8) Art. 30 - Linguistic educational institution - Establishment and administration of - In a State - By a member of linguistic non-minority in another	

State - Held: In order to claim linguistic status for an institution in any State, the institution should have been established and should be administered by the persons who are minority in such State - A non-minority in another State cannot establish, administer and run such institution.

Dayanand Anglo Vedic (DAV) College Trust and Management Society v. State of Maharashtra and Anr.

(9) Art. 32 - Powers under - Exercise of - Scope - Accused, a public servant, allegedly acquired disproportionate assets - Trial under Prevention of Corruption Act - Prayer for quashing of the trial on the ground of delay - Held: No time limit can be stipulated for disposal of criminal trial - The delay caused has to be weighed on the factual score, regard being had to the nature of the offence and the concept of social justice and the cry of the collective - In the case at hand, gravity of the offence is not to be adjudged on the bedrock of the quantum of bribe - An attitude to abuse the official position to extend favour in lieu of benefit is a crime against the collective and an anathema to the basic tenet of democracy - Also, on facts, delay occurred due to dilatory tactics adopted by accused, laxity on the part of the prosecution - The balance to continue the proceeding against accused tilts in favour of the prosecution - Jurisdiction under Art. 32 not exercised to guash the proceedings - Prevention of Corruption Act, 1988 - s.13(2) r/w s.13(1)(e).

Niranjan Hemchandra Sashittal and Anr. v. State of Maharashtra

767

821

(10) Art. 136 - Special Leave Petition - Against judgment of High Court dismissing the review petition - Held: In absence of challenge to main judgment of High Court, SLP filed challenging only

the order rejecting the review petition, is not maintainable.

State of Assam v. Ripa Sarma 151 (11) Art. 142.

155

331

(See under: Sentence/Sentencing)

(12) Art. 226 - Contractual disputes and writ jurisdiction - Held: Generally, court should not exercise its writ jurisdiction to enforce contractual obligation.

(Also see under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of Land) Rules, 1979)

The Rajasthan State Industrial Development and Investment Corporation & Anr. v. Diamond and Gem Development Corporation Ltd. & Anr.

(13) (i) Art. 234 - Appointment as Civil Judge denied - On the basis of police report alleging association of candidate and her husband with banned political party - Held: Since complete papers were not placed before High Court on administrative side, it cannot be said that there has been meaningful consultation with High Court as required u/Art. 234 - High Court administration thus failed in discharging its responsibility u/Art. 234 - Direction to State Government to place the Police Report before High Court on administrative side.

(ii) Art. 22(1) - Appointment as Civil Judge - Denied on the basis of police report alleging association of candidate's husband (an advocate) with a banned political party - Held: Candidate cannot be made to suffer for the role of her

husband who was discharging his duty as an advocate in furtherance of fundamental rights provided u/Art. 22(1) of litigants - Also as per rules framed by Bar Council of India, an advocate is bound to accept any brief and it is duty of advocate to uphold the interests of his client - Constitution of India, 1950 - Art. 22(1) - Advocates Act, 1961 - s. 49 - Bar Council of India Rules - rr. 11 and 15 - Judicial Service.

(Also see under: Judicial Review)

Smt. K. Vijaya Lakshmi v. Govt. of Andhra Pradesh Represented by its Secretary Home (Courts C1) Department and Anr. 364 (14) Art. 297.

(See under: International Law) 595

CONTRACT:

(1) Contract of employment - Amenability to judicial review - Held: Unfair, untenable, irrational or unjust clause in a contract hit by s.23 of Contract Act and against public policy, is amenable to judicial review - In the instant case, employment contract providing termination of service of employee at the sole discretion of employer is not justifiable - Contract held void to that extent - Contract Act - s. 23 - Judicial Review.

Balmer lawrie & Co. Ltd. & Ors. v. Partha Sarathi Sen Roy & Ors. 1018

(2) Termination of contract by respondent-authority - Challenged on ground of denial of a fair hearing - Held: Termination of contract was preceded by a show-cause notice issued to appellant and a hearing provided to it by competent authority - Issue of show-cause notice and disclosure of material on the basis of which action was

proposed to be taken was in compliance with fairness to appellant - Absence of any allegation of mala fides against those taking action as also the failure of appellant to disclose any prejudice, indicated that procedure was fair and in substantial compliance with requirements of audi alteram partem.

- (ii) Contract for collection of fee for using stretch of road on National Highway Awarded to appellant Contract subsequently terminated by respondent-authority Termination challenged Held: Reports submitted by the agency employed by respondent-authority clearly showed that appellant-contractor was indulging in malpractices It was abusing its position as a contractor, putting the public at large to unnecessary harassment and demanding money not legally recoverable from them Appellant-contractor, thus, not entitled to claim any relief.
- (iii) Termination of contract by respondent-authority Forfeiture of performance security Held: Justified Such forfeiture was available to respondent-authority under the terms of contract, and provisions of s.74 of Contract Act did not forbid the same An aggrieved party is entitled to receive compensation from the party who has broken the contract whether or not actual damage or loss is proved to have been caused by the breach Contract Act, 1872 s.72.
- (iv) Termination of contract Invoking of bank guarantee furnished by contractor Held: Not justified as respondent-authority had already recovered the penalty levied and also forfeited the performance security Without a proper estimation of the excess received by contractor, it

was not open to respondent-authority to invoke the bank guarantee. (Also see under: Penal Code, 1860) Subodh Nath and Anr. v. State of Tripura	581
Support Nath and Ant. V. State of Tribura	581
M/s. A.S. Motors Pvt. Ltd. v. Union of India	
and Ors DEEDS AND DOCUMENTS:	
(3) Terms and conditions - Interpretation - Held: The contract is to be interpreted giving actual Ancient documents - Admissibility of. (See under: Property Law)	394
meaning to words contained in the contract - It is not permissible for court to make a new contract, however reasonable, if parties have not made it DEVELOPMENT CONTROL REGULATIONS FOR GREATER MUMBAI, 1991: (See under: Urban Development)	478
themselves. (Also see under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of Land) Rules, 1979) DEVELOPMENT CONTROL RULES FOR GREATER MUMBAI, 1967: (See under: Urban Development)	478
Rajasthan State Industrial Development and Investment Corporation & Anr. v. Diamond and Gem Development Corporation Ltd. & Anr 331 DOCTRINES/PRINCIPLES: (1) Doctrine of audi alteram partem - Object of. (See under: Administrative Law; and Contract)	409
CONTRACT ACT, 1872: (1) s. 23. (See under: Contract) (2) Doctrine of election. (See under: Recovery of Debts Due to Banks and Financial Institutions Act, 1993)	207
(2) s.72: (3) Doctrine of estoppel by election - Basis of.	
(See under: Contract) 409 CRIMES AGAINST WOMEN: (See under: Penal Code, 1860) 230, Rajasthan State Industrial Development and Investment Corporation & Anr. v. Diamond and Gem Development Corporation Ltd.	331
287, 732, 745, 850 and 875 DRUGS AND COSMETICS ACT, 1940:	
CRIMINAL LAW: Motive - Relevance of - Held: Motive is relevant in (See under: Drugs and Cosmetics Rules, 1945)	675
case where prosecution seeks to prove guilt by circumstantial evidence - It becomes irrelevant if offence is proved by direct evidence. DRUGS AND COSMETICS RULES, 1945: Drugs - Ingredients of - Disclosure - Vegetarian/ non-vegetarian - High Court in writ jurisdiction	

directing drug manufacturers to display a particular symbol in packages of drugs other than life saving drugs to identify the ingredients of 'non-vegetarian'/ 'vegetarian' origin - Held: Under Rules, Central Government in consultation with Drug Technical Advisory Board is empowered to decide whether any amendment is to be made in relevant Rules showing the ingredients of vegetarian or nonvegetarian origin or to provide a symbol - Without fruitful consultation with Advisory Board, no amendment can be made or suggested to change the label of drugs and cosmetics - Advisory Board had already opined that labelling of drugs as 'vegetarian' or 'non-vegetarian' or 'from animal sources' is not desirable - High Court u/Art. 226 had no jurisdiction to direct the Executive to enact a law in a particular manner, as was done in the instant case - It was also not open to High Court to suggest any interim arrangement as was given by impugned judgment - Drugs and Cosmetics Act, 1940 - Constitution of India, 1950 - Art. 226.

Indian Soaps & Toiletries Makers Association v. Ozair Husain and Ors.

675

EDUCATION/EDUCATIONAL INSTITUTIONS:

(1) Admission - To medical institutions - In Graduate and Post Graduate courses - Refusal by Department of 'AYUSH' to grant permission to medical institutions to admit students for academic year 2011-12 - On the ground of deficiencies in infrastructure and teaching staff - Held: It is for experts and not for court to judge eligibility of an institution to conduct classes - Since experts opined that institutions in question were not eligible to conduct classes and also because more than

half of the session for first year course is over, petitions dismissed - Indian Medicine Central Council Act, 1970 - Establishment of New Medical College, Opening of New or Higher Course of study or Training and Increase of Admission Capacity by a Medical College Regulations, 2003 - Indian Medicine Central Council (Permission to Existing Medical Colleges) Regulations, 2006.

Ayurved Shastra Seva Mandal & Anr. v. Union of India & Ors.

1098

(2) Irregular fixation of school staff - Staff fixation order obtained through bogus admission of students and misrepresentation of facts - Held: Due to irregular fixation of staff, State exchequer incurs heavy financial burden by way of pay and allowances - Great responsibility, therefore, cast on General Education Department to curb such menace - However, investigation by police with regard to verification of school admissions, register etc., particularly with regard to admissions of students in aided schools will give a wrong signal even to students and presence of police itself is not conducive to academic atmosphere of schools - Directions given by High Court for police intervention for verification of students' strength in all aided schools, set aside - However, direction given to State Education Department to forthwith give effect to circular dated 12.10.2011 to issue UID Card to all school children and follow the guidelines and directions contained in the circular - Direction given by Director of Public Instructions to take further action to fix the liabilities for the irregularity committed in the school, not interfered with - State Government to consider the appeal and take appropriate decision, if it is still pending - Kerala Education Rules - Chapter XXIII - r.12(3) r/w r.16.

State of Kerala and Ors. v. President, Parent Teacher Assn. SNVUP and Ors. 66

ELECTION LAWS:

- (i) Election petition Alleging corrupt practices by returned candidate Whether imperative to file additional affidavit as required under O. 6 r.15(4) CPC, in addition to the affidavit as required by proviso to s.83(1) of Representation of the People Act Held: The Act does not mandate filling of an additional affidavit, but requires only verification Therefore, additional affidavit u/O. 6 r.15(4) is not required A composite affidavit, both in support of averments made in the petition and with regard to allegation of corrupt practices would be sufficient Representation of the People Act, 1951 s.83(1) Conduct of Election Rules, 1961 Code of Civil Procedure, 1908 O. 6 r. 15(4).
- (ii) Election Petition Maintainability Petition whether liable to summary dismissal if affidavit is not in statutory form Held: If there is substantial compliance with the statutory form, petition cannot be dismissed summarily Just because of the defective affidavit, petition, will not cease to be election petition The defects are curable Representation of the People Act, 1951 s.83 Conduct of Election Rules, 1961 r.94-A, Form No.25.

G.M. Siddeshwar v. Prasanna Kumar 1107

OPI STU ADI CO (Se	ENING OF NEW MEDICAL COLLECT ENING OF NEW OR HIGHER COURSE JDY OR TRAINING AND INCREASE OF MISSION CAPACITY BY A MEDICAL LLEGE REGULATIONS, 2003: e under: Education/Educational citutions)	OF	1098
poli den	PEL: ere can be no estoppel against the law or percy - A statutory body cannot be estopped flying that it had entered into a contract we sultra vires.	rom	
Inve	asthan State Industrial Development ar estment Corporation v. Subhash Sindhi operative Housing Society Jaipur & Ors		978
` '	ICE: Burden of proof. e under: Penal Code, 1860)		273
of - grown disc abo	Discrepancy in the version of witness - E- Court not to discard the evidence on und of discrepancies, unless they are 'mat crepancies', so as to create reasonable dut credibility of witnesses. So see under: Penal Code, 1860)	the erial	
Suk	oodh Nath and Anr. v. State of Tripura		581
Hel sus	Extra judicial confession - Appreciation d: An extra judicial confession is capabl taining a conviction provided the same is de under any inducement, is voluntary of the confession of the conf	e of not	
(ii) I	Medical evidence - Appreciation of - On fa	acts,	

medical evidence adduced suggests that death

1155	
of deceased child was caused by drowning - It is almost impossible for water to get into the stomach, if a body is submerged after death - Absence of any other marks on the body of child also supports prosecution case that the child had died of drowning. (Also see under: Penal Code, 1860)	
R. Kuppusamy v. State Rep. by Inspector of Police, Ambeiligai	136
(4) (i) Rigor mortis - Time of death - Opinion of doctor regarding complete vanishing of rigor mortis from dead body after 36 hours - Held: Not correct - Medical officer deposed contrary to rule of medical jurisprudence - On facts, the same could not be the basis for acquittal of accused - Medical jurisprudence.	
(ii) Discrepancy between medical and ocular evidence - Effect - Held: Between medical and ocular evidence, ocular evidence must be preferred.	
Umesh singh v. State of Bihar	797
EVIDENCE ACT, 1872: (1) s.10 - Onus to prove. (See under: Administrative Law)	1053
(2) (1) s.60 - Oral evidence - Based on hearsay evidence - Admissibility - Held: Such oral evidence is not admissible.(Also see under: Penal Code, 1860)	
Bakshish Ram & Anr. v. State of Punjab	732
(3) (i) s.90 - Purpose of - Held: Is to do away with strict rules, as regards requirement of proof, which	

are enforced in the case of private documents, by

giving rise to a presumption of genuineness, in respect of certain documents that have reached a certain age - The period is to be reckoned backward from the date of offering of document, and not any subsequent date, i.e., date of decision of suit or appeal - Deeds and documents - Ancient documents - Admissibility of.	
(ii) s.110 - Presumption of title as a result of possession - Held: Can arise only where facts disclose that no title vests in any party.(Also see under: Property Law)	
The State of A.P. & Ors. v. M/s. Star Bone Mill & Fertiliser Co	394
(4) s.105. (See under: Penal Code, 1860)	273
(5) s.106. (See under: Penal Code, 1860)	192
(6) s.106 - Burden of proof - Shifting of onus - In kidnapping and murder case - Held: Once factum of kidnapping is proved, onus would shift on kidnapper to establish the release of kidnapped from his custody. (Also see under: Penal Code, 1860)	
Sunder @ Sundararajan v. State by Inspector of Police	25
(7) s.113B. (See under: Penal Code, 1860)	745
EQUITY: (See under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of	

331

Land) Rules, 1979)

FAMILY LAW:		
(See under:	Practice	an

nd Procedure) 260

FOREIGN LIQUOR (COMPOUNDING, BLENDING, BOTTLING) RULES, 1975:

r.4.

(See under: Liquor; and Administrative

Law) 1053

HIGH COURT:

Jurisdiction under Companies Act, 1956.

(See under: Recovery of Debts Due to

Banks and Financial Institutions Act, 1993) 207

INCOME TAX ACT, 1961:

Second Schedule; r.57 - Auction conducted by Recovery Officer under RDDB Act held illegal and void by High Court on ground of non-compliance with r.57 - Held: s.29 of RDDB Act makes it clear that the rules under Income Tax Act are applicable only "as far as possible" and with the modification as if the said provisions and the rules referred to the amount of debt due under RDDB Act instead of Income Tax Act - Phrase "as far as possible" used in s.29 of RDDB Act can at best mean that Income Tax Rules may not apply where it is not at all possible to apply them having regard to the scheme and the context of the legislation - r.57 is mandatory in character - Equivalent pari materia provision in O. 21, rr.84, 85 and 86 of CPC - No reason to hold that rr. 57 and 58 are anything but mandatory in nature - Breach of the requirements under those Rules will render the auction non-est in the eyes of law - Code of Civil Procedure, 1908 - O. 21, rr.84, 85 and 86 - Interpretation of Statutes.

C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors.

INDIAN MEDICINE CENTRAL COUNCIL ACT, 1970: (See under: Education/Educational

Institution) 1098

INDIAN MEDICINE CENTRAL COUNCIL (PERMISSION TO EXISTING MEDICAL COLLEGES) REGULATIONS, 2006:

(See under: Education/Educational

Institution) 1098

INTERNATIONAL CONVENTIONS AND TREATIES:

(i) Declaration on Principles of International Law Concerning Family Relations and Co-operation Between States in accordance with the Charters of United Nations.

(ii) United Nations Convention on the Law of the Sea, 1982 - Articles 97and 100.

(See under: International Law) 595

INTERNATIONAL LAW:

Incident of firing by officers of naval staff of Italy deployed on merchant ship of Italy - Resulting in death of two persons on Indian Fishing Vessel -FIR against two officers u/s. 302/34 IPC lodged in State of Kerala - State Police investigated the matter and arrested the accused - Held: Action by State of Kerala was without jurisdiction because the incident took place within Contiguous Zone on which the State did not have jurisdiction - Also because in the case, two sovereign countries were involved and one country had already initiated criminal proceedings against the accused, State of Kerala as one of the units of the federal unit would not have authority to try the accused -'Declaration on Principles of International Law Concerning Family Relations and Co-operation between States in accordance with the Charters

of United Nations' has to be conducted at federal level and not at provincial level - The incident cannot be said to be an "incident of navigation" within the meaning of Art. 97 of UNCLOS - By virtue of extension of the provisions of IPC and Cr.P.C. to contiguous zone, Union of India is entitled to take cognizance, investigate and try the accused - But the same is subject to the provisions of Art. 100 of UNCLOS - Direction to Union of India to set up Special Court to try the case - Accused can also invoke provisions of Article 100 of UNCLOS whereupon the question of jurisdiction to investigate into the incident and for the courts in India to try the accused would be considered - If found that both the countries i.e. India as well as Italy have concurrent jurisdiction over the matter, the directions passed in this judgment will continue - Penal Code, 1860 - ss. 302, 307, 427 r/w s.34 - Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 s.3 - United Nations Convention on the Law of the Sea, 1982 - Articles 97and 100 - Maritime Zones Act, 1976 -Declaration on Principles of International Law Concerning Family Relations and Co-operation Between States in accordance with the Charters of United Nations Constitution of India, 1950 Article 297.

Republic of Italy and Ors. v. Union of India and Ors.

595

INTERPRETATION OF STATUTES:

(1) Legislation by incorporation - Effect - Held: The effect of legislation by incorporation of the provisions of an earlier Act into a subsequent Act is that the provisions so incorporated are treated to have been incorporated in the subsequent

legislation for the first time - Once the incorporation is made, the provisions incorporated become an integral part of the statute in which it is transposed - Thereafter there is no need to refer to the statute from which the incorporation is made and any subsequent amendment made in it has no effect on the incorporating statute.

(Also see under: Income Tax Act, 1961)

C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors.

....

1

(2) Purposive construction.

(See under: Service Law) 460

INVESTIGATION:

Slow and shoddy investigation - Effect on the prosecution case - Held: On facts, keeping in view the unruly and violent background of accused-appellant, truthfulness of prosecution case to be tested on the intrinsic worth of prosecution evidence leaving aside the failings of police investigation.

(Also see under: Penal Code, 1860)

Shabir Ahmed Teli v. State of Jammu & Kashmir

. 248

JUDICIAL REVIEW:

(1) Concerning appointment of a civil judge - Permissibility - Held: Judicial review in such matter is permissible, if there is any breach or departure from Art. 234 or Judicial Service Rules - Constitution of India, 1950 - Arts. 226 and 234 - Judicial Service.

Smt. K. Vijaya Lakshmi v. Govt. of Andhra Pradesh Represented by its Secretary Home (Courts C1) Department and Anr. .

(2) Judicial discretionary decision - Court of impede the exercise of discretion of an au acting under the Statute by issuing with Mandamus - Writ - Writ of mandamus. (Also see under: Administrative Law)	thority	
State of Kerala and Ors. v. Kandath Distilleries		1053
(3) Judicial review - Scope of.(See under: Service Law)		956
(4) (See under: Contract)		1018
JUDICIAL SERVICE: (See under: Constitution of India, 1950; ar Judicial Review)	nd	364
JUVENILE JUSTICE (CARE AND PROTECTION CHILDREN) ACT, 2000: (1) Conviction u/s. 307 IPC - Plea of juvenile on the date of incident - There sentence awarded by courts below set a Records directed to be placed before Judustice Board - Penal Code, 1860 - s.307	venility was a refore, side - ivenile	
Kamlendra Singh @ Pappu Singh v. Sta of M. P.	te 	236
(2) s.7A; and proviso, s.20 - 2006 amendal Explanation - Applicability of the Act - To o committed prior to commencement of the Held: In view of the provisions in ss.7A are the Act would be applicable - In the instant accused was below 18 years on the discommission of the offence, and, as such, be treated as juvenile under the provisions Act - Therefore, case quality invenile accused.	ffence Act - nd 20, case, ate of would of the	

remitted to Juvenile Justice Board - Penal 1860 - s.302/34.	Code,	
(Also see under: Penal Code, 1860)		
Subodh Nath and Anr. v. State of Tripur	a	581
JURISDICTION: (See under: West Bengal Kerosene Cor Order, 1968)	ntrol 	263
KERALA ABKARI ACT (1 OF 1077): s.55(a) - Conviction - For illegal trade in Trial court sentenced the accused to sever imprisonment and imposed fine of Rs.1 lal default clause - High Court reduced the se to five years imprisonment and enhanc amount of fine to Rs.2 lakhs - Notice by St. Court limited on the question of sentence In view of circumstances of the case that awas only a driver of the lorry in which the were transported, and investigating ager not make any endeavour to expose the rack the sentence of accused is reduced to three imprisonment and fine is reduced to Rs.1	n years kh with entence ed the upreme - Held: ccused goods ncy did teteers, e years	
Rajamani v. State of Kerala		187
KERALA EDUCATION RULES, 1959: (1) Chapter XIV A - r.7A(3) r/w r.51A.		
(See under: Service Law) (2) Chapter 23 - r.12(3) r/w r.16. (See under: Education/Educational		460
Institution)		66
LAND ACQUISITION: (1) Acquisition of land owned by Govern Whether permissible - Held: If the Government of the Covernment of the Covernme		

complete ownership, such land cannot be acquired, but if some private rights have been

created in such land or the land has some encumbrances, such land can be acquired - In the instant case, the subject land though owned by Government, encumbrance was created by giving possessory rights to the private party and, as such, could have been acquired under Land Acquisition Act - Land Acquisition Act, 1894 - s.4 r/w. s, 17(1)(iv).

Saraswati Devi (D) By Lr. v. Delhi devt.

Authority & Ors. 922

(2) Release of land from acquisition - Agreement for sale of land, after it was notified u/s.4 of Land Acquisition Act - Challenge to the acquisition proceedings by the vendor and vendee dismissed with liberty to ask for release of the land on the ground of parity - Writ petition by vendee for release of the land allowed - Held: High Court wrongly directed release of the land - The agreement to sell, entered into subsequent to the Notification under Land Acquisition Act, did not create any title in favour of the vendee - Rajasthan Land Acquisition Act, 1953 - s.4.

Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors.....

(3) (See under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of Land) Rules, 1979) 331

978

LAND ACQUISITION ACT, 1894:

s. 4 r/w. s, 17(1)(iv).

(See under: Land Acquisition) 922

LIQUOR:

Application for licence for setting up distillery unit

- Non-consideration of - After intervention of the Court, application considered and then rejected by competent authority - Courts below quashed the rejection order directing grant of the licence - Held: Courts below wrongly directed grant of distillery licence by issuing writ of mandamus - Grant of the same was within the discretionary power of the competent authority - Court should not have interfered with the same, unless the applicant established a better claim over others, which the applicant failed - Abkari Act - s.14 - Foreign Liquor (Compounding, Blending, Bottling) Rules, 1975 - r.4.

(Also see under: Constitution of India, 1950)

State of Kerala and Ors. v. Kandath
Distilleries

... 1053

MAHARASHTRA OWNERSHIP FLATS (REGULATION OF THE PROMOTION OF CONSTRUCTION, SALE, MANAGEMENT AND TRANSFER) ACT, 1963:

ss.2(c), 3(2), 4, 7(2) & 13.

(See under: Urban Development) 478

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966:

ss.44, 45, 47, 52 to 57.

(See under: Urban Development) 478

MAHARASHTRA UNIVERSITIES ACT, 1994:

s.115.

(See under: Service Law) 303

MARITIME ZONES ACT, 1976:

(See under: International Law) 595

MAXIMS:

- (i) Nemo dat quid non habet,
- (ii) Nemo plus juris tribuit quam ipse habet.

(See under: Property Law) 394

MEDICAL JURISPRUDENCE:

(See under: Evidence) 797

MINERAL CONCESSION RULES, 1960:

(i) rr. 64A, 64B, 64C and 64D - Mining lease for extracting lead and zinc - Recovery of royalty in respect of minerals extracted by lessee -Methodology for calculation of royalty -Notifications issued by Central Government from time to time - Notification dated 11.04.1997 substituted by Notification dated 12.09.2000 -Held: High Court has rightly opined that lesseecompany was not liable to pay royalty on the tailings as they had not been taken out of the leased area and that as per r.64C, unless dumped tailings or rejects are consumed by lessee, no royalty can be collected on such tailings or rejects - By virtue of Notification dated 12.09.2000 read with the relevant Rules, lessee-company is to pay royalty only on the contents of metal in the ore produced and not on the metal contained in the tailings, rejects or slimes which had not been taken out of the leased area and which had been dumped into dumping ground of leased area.

(ii) rr. 64A, 64B, 64C and 64D - Mining lease for extracting lead and zinc - Recovery of royalty in respect of minerals extracted by lessee - Dispute over methodology for calculation of royalty - Direction issued by High Court remitting the matter to mining engineer for re-computing the royalty payable on lead and zinc contained in the ore

produced - Held: As the metal concentrate taken out from the leased area was known to parties, it was not necessary to have any further details regarding the ore produced by lessee-company - Direction accordingly quashed - Mines And Minerals (Development and Regulation) Act, 1957 - s.9.

State of Rajasthan & Ors. v. Hindustan zinc ltd. & Anr.

. 704

MUMBAI MUNICIPAL CORPORATION ACT, 1888:

ss.337, 351 and 354A.

(See under: Urban Development) 478

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT. 1985:

s.8/21 (c) - Conviction on the ground of seizure of contraband goods from accused - Non-production of contraband goods before court - Effect of - Held: As prosecution has not produced before court, the brown sugar alleged to have been seized from appellants and has also not offered any explanation therefor and as evidence of witnesses to seizure does not establish seizure of brown sugar from appellants, judgment of courts below convicting the appellants are set aside.

Vijay Jain v. State of Madhya Pradesh

293

NEGOTIABLE INSTRUMENTS ACT, 1881:

ss.118(a), 138 and 139 - Dishonour of cheque - Conviction set aside by High Court - Held: Justified - Appellant failed to establish that cheque in fact had been issued by respondent towards repayment of personal loan - Absence of any documentary or other evidence in that regard - Besides, cheque was presented on the day following altercation between parties - Also,

complaint lodged does not specify the date on which loan amount was advanced - Nor does the complaint indicate the date of its lodgment - Defence succeeded in dislodging the complainant-appellant's case on the strength of convincing evidence of rebuttal and thus discharged the burden envisaged u/ss. 118 (a) and 139 - Appellant's case in the realm of grave doubt - Acquittal of respondent confirmed - Banking Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988.

Vijay v. Laxman and Anr. 80

ORISSA CIVIL SERVICES (CCA) RULES, 1962: r.12(4).

(See under: Service Law) 862

PENAL CODE, 1860:

(1) ss.84, 299, 302 and 449 - Murder - Defence of insanity - Accused-appellant repeatedly assaulted his paternal aunt with a 'aruval' and thereby caused her death - Conviction of appellant - Plea of insanity by appellant seeking protection u/s.84 - Held: Physical and mental condition of accused at the time of commission of offence, is paramount for bringing the case within purview of s.84 - In the case on hand, there is no evidence as to unsoundness of mind of appellant-accused at the time of occurrence - Further, appellant was examined as a defence witness and according to trial Judge, as a witness, he made his statement clearly and cogently, and meticulously followed court proceedings - Trial Judge, after noting appellant's statement u/s. 313 CrPC concluded that he could not be termed as an "insane" person - Appellant failed to discharge the burden as

stated in s.105 of Evidence Act - Evidence Act, 1872 - s.105.

Mariappan v. State of Tamil Nadu

(2) s.148, s.302 r/w s.149, ss.452 and 325 r/w s.149 - Murder - Unlawful assembly assaulted the victim with various weapons resulting in his death - One injured eye-witness - Conviction of accused-appellants - Held: Justified - No reason to disbelieve the version of injured eye-witness, the mother of victim who sustained injuries while trying to save her son - Also, as per medical evidence, injuries received by victim were sufficient to cause death in the ordinary course of nature - High Court rightly concluded that appellants caused fatal blows.

(Also see under: Sentence/Sentencing)

Ramswaroop and Another v. State of Madhya Pradesh

(3) s.302 - Assault with deadly weapon on vital part of body causing death of a person -Conviction u/s.302 - Held: Justified - Appellant chose sharp side of 'darat' cutting through the skull of deceased resulting in exposing the brain tissue - Five witnesses stated in unison, that appellant was in the process of inflicting a second blow on the deceased, when they caught hold of him - In such a situation, it would be improper to treat/ determine culpability of appellant by assuming that he had inflicted only one injury on deceased -Appellant must be deemed to have committed offence of 'culpable homicide amounting to murder' u/s.302, as he had struck 'darat' blow. with the intention of causing such bodily injury, which he knew was so imminently dangerous, that

198

(6) s. 302 r/w s. 34 - Murder - Deceased was

it would in all probability cause death of victim.

Som Raj @ Soma v. State of H.P. 433

(4) s.302 - Murder - Life imprisonment - Homicidal death of 10 months old girl child due to drowning - Conviction of appellant-father by courts below on basis of extra-judicial confessional statement -Held: Justified - Extra judicial confessional statement attributed to appellant found to be voluntary, truthful and unaffected by any inducement that could render it unreliable or unworthy of credence - It was made almost immediately after commission of the crime - Corroboration by medical evidence and deposition of other witnesses.

(Also see under: Evidence)

R. Kuppusamy v. State Rep. by Inspector of Police, Ambeiligai 136

(5) s.302/34 - Death of woman allegedly caused by poisoning by her husband and his relatives -Conviction by courts below, solely on the basis of ocular testimony of doctor who had conducted postmortem - Held: Inquest report, postmortem report and Chemical Examiner's report do not show that death occurred due to poisoning -Prosecution failed to establish beyond reasonable doubt that poison was administered to deceased - Courts below wrongly shifted onus on accused persons to prove that they were not guilty - Burden to prove guilt is on prosecution and only when this burden is discharged, accused are required to prove any fact within their special knowledge u/ s.106 of Evidence Act - Conviction set aside -Evidence Act, 1872 - s.106.

Joydeb Patra & Ors. v. State of West Bengal

192

shot at with revolver and rifle - Several accused -Conviction of accused-appellant - Held: Justified - Statement of related eye-witness was rightly treated as FIR - His evidence supported by other witnesses - Claim of appellant that he was falsely implicated not tenable - His conviction based on evidence on record and on proper appreciation of the same - Arms Act - s.27.

(Also see under: Evidence)

Umesh Singh v. State of Bihar

797

(7) s.302/s.34 - Conviction by courts below - Held: First appellant is guilty of offence u/s.302 -Prosecution case is supported by eye-witness account corroborated by reliable evidence direct as well as circumstantial - Therefore, his conviction upheld.

Subodh Nath and Anr. v. State of Tripura 581

(8) s.302 r/w ss.34, 143 and 148 - Murder - Of husband, by wife's father and uncles - Five accused - Conviction of three accused (appellants) u/s.302 r/w s.34 - Held: Justified - Deceased was done to death in furtherance of common intention - The fact that two of the appellants held deceased and facilitated third appellant to give fatal blow and made no effort to prevent him from assaulting the deceased leads to irresistible and inescapable conclusion that appellants shared common intention.

(ii) s.34 - Scope of - Common intention - Held: s.34 lays down a principle of joint liability in doing a criminal act - Common intention is gathered from the manner in which the crime has been committed, the conduct of accused soon before

and after the occurrence, the determination and
concern with which the crime was committed, the
weapon carried by accused and from the nature
and injury caused by one or some of them - For
arriving at a conclusion whether accused had
common intention to commit an offence of which
they could be convicted, totality of circumstances
must be taken into consideration.

Goudappa & Ors. v. State of Karnataka 547
(9) ss. 302, 307, 427 r/w s.34.
(See under: International Law) 595
(10) s 304B - Dowry death - Conviction by courts

(10) s.304B - Dowry death - Conviction by courts below - Held: Prosecution failed to establish its case beyond reasonable doubt - Courts below committed an error in convicting the accused - Evidence Act, 1872 - s.113-B.

Bakshish Ram & Anr. v. State of Punjab 732

(11) ss.304B and 498A - Prosecution u/ss. 302/34 and 304B - Acquittal by trial Court - Conviction by High Court u/ss. 304B and 498A - Held: Justified - In view of the prosecution evidence, High Court rightly held that deceased was subjected to demand of dowry as well as cruelty and harassment in connection with such demand, soon before her death - High Court also rightly drew presumption u/s.113 B of Evidence Act that appellant-accused caused dowry death - Evidence Act, 1872 - s.113B.

Satya Pal v. State of Haryana & Anr. 745

(12) ss.304B and 498A - Prosecution under - Of husband and his relatives - Conviction by courts below - Plea of relatives that they were living separately and act of cruelty cannot be attributed to them - Appeal confined to relatives - Held: Case

of relatives not covered either u/s. 304B or u/s.498A - Act of cruelty or harassment against deceased not established - Therefore, relatives cannot be held guilty u/ss.304B and 498A.

Bharat Bhushan & Anr. v. State of Madhya Pradesh

(13) s.307.

(See under: Juvenile Justice (Care and Protection of Children) Act, 2000)

(14) s.324 - Conviction - For causing firearm injury to victim - Held: Justified - Medical evidence and deposition of witnesses made it clear that the injury was caused by firearm - In the circumstances, solely because the 'katta' was not recovered, prosecution version should not be disbelieved.

Gopal Singh v. State of Uttarakhand

(15) ss.364A, 302 and 201 - Kidnapping for ransom and murder - Of seven year old boy -Circumstantial evidence - Conviction and death sentence by courts below - Held: Conviction as well as the sentence does not call for interference - Kidnapping and demand of ransom proved by witnesses - Factum of kidnapping having been proved, the inference of consequential murder is liable to be presumed in the absence of discharge of onus by kidnapper to prove the release of kidnapped - In the circumstances of the case, charge of murder also proved - In view of various aggravating circumstances and lack of any mitigating circumstance, award of death sentence justified - Evidence Act, 1872 - s.106 - Sentence/ Sentencing - Death sentence.

Sunder @ Sundararajan v. State by Inspector of Police

25

230

236

(16) ss. 376 and 506B - Rape - Courts below though found that intercourse was with consent of prosecutrix, but convicted the accused as prosecutrix was 14 years of age - Held: Conviction justified - In view of the age of prosecutrix, her consent has no consequence.	
Kailash @ Tanti Banjara v. State of Madhya Pradesh	875
(17) ss.376(2)(g), 366, 342 and 506 - Gang rape of girl below 16 years of age - Conviction by trial court relying on evidence of prosecutrix - High Court acquitted the accused - Held: High Court committed error of law in ignoring the evidence of prosecutrix - Case remitted to High Court.	
State of Haryana v. Basti Ram	850
(18) ss. 376 and 450 - Rape - Consent - Connotation of - Explained - Held: The evidence on record is clear that victim was not a willing party to sexual intercourse committed by accused and it cannot be said that she voluntarily participated in it after fully exercising her choice in favour of assent - Nor can it be held that accused was falsely implicated in the offences.	
Roop Singh v. State of Madhya Pradesh	287
PONDICHERRY KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1980: ss.3 and 15.	
(See under: Service Law)	562
POONA UNIVERSITY ACT. 1974:	

303

(See under: Service Law)

Consolidation of proceedings in two suits - Suits

PRACTICE AND PROCEDURE:

filed by husband before Family Court - One seeking divorce and other seeking permanent and temporary injunction restraining the wife from entering matrimonial home - In the second suit ex-parte ad interim injunction granted - Plea of wife to consolidate both the proceedings, rejected by Family Court - Appeal by wife praying for consolidation of two proceedings - High Court stayed operation of ex-parte ad interim injunction as well as hearing of both the suits - Held: High Court committed mistake in granting a relief which was not even prayed for - Order of High Court set aside - Both the suits directed to be consolidated and tried together.

& Anr. 260

PRESS AND REGISTRATION OF BOOKS ACT, 1867: s.7.

(See under: Code of Criminal Procedure,

719

Arvind Kumar Sharma v. Vineeta Sharma

PREVENTION OF CORRUPTION ACT, 1988:

1973)

(1) (i) s.7, s.13(1)(d) r/w s.13(2) and s.20 - Conviction of accused-appellant u/s.7 and u/s.13(1)(d) r/w s.13(2) - Held: On facts, justified - Demand and acceptance of illegal gratification is a condition precedent for constituting an offence under the Act - Statutory presumption u/s.20 can be dislodged by accused by bringing on record some evidence, either direct or circumstantial, that money was accepted other than for the motive or the reward - In the case at hand, explanation offered by appellant does not deserve any acceptance - Prosecution established the factum of recovery from appellant and also proved the demand and acceptance of illegal gratification by

appellant as motive/ reward for showing official favour to complainant.

(ii) s.20 - Statutory presumption - Can be dislodged by accused by bringing on record some evidence - Duty of court in this regard - Held: When some explanation is offered, court is obliged to consider the explanation u/s.20 on the touchstone of preponderance of probability - It is not to be proven beyond all reasonable doubt.

(Also see under: Appeal)

K.S. Panduranga v. State of Karnataka 155

(2) s.13(2) r/w s.13(1)(e).

(See under: Constitution of India, 1950) 767

PROPERTY LAW:

Ownership and title - Suit filed by respondent in 1974 on basis of registered sale deed dated 11-11-1959 for declaration of title - Trial court decreed the suit, holding that appellant-Government was not the owner of the suit property, and that respondent had a better title over it - Order upheld by High Court - Held: Courts below erred in ignoring the revenue record, particularly, the documents showing that the Government was the absolute owner of suit property since 1920 -Unless vendor of respondent had valid title, latter could not claim any relief whatsoever from court -There was clear admission by respondent that vendor had no title over suit property, and had executed sale deed in its favour by way of misrepresentation - Documents on record established vendor merely a lessee of appellant-Government - Sale deed relied upon by respondent was invalid and inoperative - Suit filed by respondent dismissed - Maxims - Nemo dat

quid non habet and Nemo plus juris tribuit qui ipse habet.	ıam	
State of A.P. & Ors. v. M/s. Star Bone Mill & Fertiliser Co.		39
RAJASTHAN LAND ACQUISITION ACT, 1953: (1) s.4. (See under: Land Acquisition)		97
(2) ss. 4 and 6. (See under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of Land) Rules, 1979)		33
RAJASTHAN LAND REVENUE (INDUSTRIAL AR ALLOTMENT) RULES, 1959: r.11-A. (See under: Rajasthan State Industrial and Investment Corporation Limited (Disposal of Land) Rules, 1979)	EA	33
RAJASTHAN STATE INDUSTRIAL AND INVESTMENT CORPORATION LIMITED (DISPOSAL OF LAND) RULES, 1979: r.24 - Land notified for public purpose Possession of land taken over by State Government and handed over to appellant-RIII - Appellant allotted the land to responde company, to facilitate establishment of an Indust Estate - Lease deed executed - Appellacincelled the lease deed on ground of nacompletion of project within stipulated period, at took back possession of land - Held: The allotm was made on "as-is-where-is" basis which was made to respondent-company without a protest - Terms of lease deed made it clear to obligation was placed upon appellant.	ate CO ent- trial ant on- and nent was any that	

provide to the respondent the access road - The entire project was to be completed within five years, but construction was made just on a fraction of allotted land - Lease deed also contemplated that, lessee will not transfer nor sub-let nor relinquish rights without prior permission from appellant - However, respondent-company had negotiated with a third party for development of the land - Cancellation of allotment was made by appellant in exercise of its power under r. 24 of 1979 Rules read with the terms of lease agreement - Respondent-company did not resort to any of the statutory remedies, rather preferred a writ petition which could not have been entertained by High Court - Order of cancellation of allotment in favour of respondent-company restored - Rajasthan Land Revenue (Industrial area allotment) Rules, 1959 - r.11-A - Rajasthan Land Acquisition Act, 1953 - ss. 4 and 6.

Rajasthan State Industrial Development and Investment Corporation & Anr. v. Diamond and Gem Development Corporation Ltd. & Anr.

331

248

RANBIR PENAL CODE:

s.302 - Murder caused by gun shots - Conviction and sentence of life imprisonment - Held: Justified - Statements of PWs made it clear that family members of deceased were full of fear of appellant, who had an unruly and violent background - Appellant used to come to house of deceased and give to his family members open threats of dire consequences for not giving his daughter to him in marriage - Ocular evidence found reliable.

Shabir Ahmed Teli v. State of Jammu & Kashmir

RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993:

(1) s.29.

(See under: Income Tax Act, 1961)

(2) (i) s.30 - Auction/sale by Recovery Officer - In winding-up proceedings, appointment of Official Liquidator by Company Court - Official Liquidator's challenge to auction/sale before Company Court - Jurisdiction of Company Court - Held: 1993 Act is a complete code in itself and tribunal (DRT) has exclusive jurisdiction for the purpose of sale of properties for realization of dues to Banks and financial institutions - But at the time of auction/ sale, it is required to associate the Official Liquidator - 1993 Act clearly provides that any person aggrieved by act of Recovery Officer can prefer an appeal - Official Liquidator whose association is mandatorily required, can be regarded as person aggrieved by action taken by Recovery Officer - In view of the fact that 1993 Act is a special legislation, appeal thereunder is the only remedy, and Company Court has no jurisdiction in such matter - Doctrine of election is also not applicable in the case - Official Liquidator can take recourse only to the mode of appeal under 1993 Act and cannot approach the Company Court - Companies Act, 1956 -Jurisdiction - Doctrine - Doctrine of election.

(ii) High Court - Jurisdiction of - Under Companies Act - Nature of - Held: Jurisdiction of High Court under Companies Act is ordinary in nature and not extraordinary or inherent.

Official Liquidator, U.P. and Uttarakhand v. Allahabad Bank and Ors.

REPRESENTATION OF THE PEOPLE ACT, 1951: s.83(1).

(See under: Election Laws) 1107

SENTENCE/SENTENCING:

(1) Appellant convicted and sentenced by courts below under provisions of Prevention of Corruption Act for demand and acceptance of bribe - Plea of appellant before Supreme Court for reduction of sentence to period already undergone - Held: Not tenable - Relevant statutory provisions under Prevention of Corruption Act provide for a minimum sentence - Where minimum sentence is provided, it is not appropriate to exercise jurisdiction under Art. 142 of the Constitution to reduce the sentence on the ground of any mitigating factor - However, regard being had to the age and ailments of accused-appellant, sentence of imprisonment u/s.13(1)(d) r/w s.13(2) reduced from two years (as imposed by High Court) to statutory minimum sentence of one year - Prevention of Corruption Act, 1988 - s.7 and s.13(1)(d) r/w s.13(d) - Constitution of India, 1950 - Art. 142.

(Also see under: Prevention of Corruption Act, 1988)

K.S. Panduranga v. State of Karnataka 155

(2) Death caused due to assault with various weapons - Accused-appellants convicted u/s.302 IPC and sentenced to life imprisonment - Plea of appellants for leniency in sentence - Held: Not tenable, since prosecution established its case beyond reasonable doubt, particularly, role of appellants who caused fatal injuries - Conviction u/s.302 having been affirmed, court cannot impose

a lesser sentence than what is prescribed by law - Taking note of the age of appellant, he is free to make a representation to Government for remission - Penal Code, 1860 - s.302.

(Also see under: Penal Code, 1860)

Ramswaroop and Another v. State of Madhya Pradesh

198

25

(3) Death sentence.

(See under: Penal Code, 1860)

(4) (i) Conviction u/s.324 IPC and sentence of 3 years RI for causing firearm injury to victim -Sentence challenged as excessive - Held: Legislature in respect of offence punishable u/ s.324 IPC has provided punishment which may extend to 3 years or with fine or with both -Legislative intent is to confer discretion on the judiciary in imposition of sentence in respect of such offence where it has not provided the minimum sentence or made it conditional - But discretion vested required to be embedded in rational concepts based on sound facts - In the instant case, the doctor did not state the injury to be grievous but on the contrary mentioned that there was no fracture and only a muscle injury -Weapon used (country made pistol) fits in to the description as provided u/s.324 IPC - Occurrence took place almost 20 years back - Parties were neighbours and there is nothing on record to show that appellant had any criminal antecedents - In the totality of facts and circumstances, sentence of 1 year RI would be adequate - That apart, appellant directed to pay Rs. 20,000/- to victim towards compensation as envisaged u/s.357(3) CrPC - Penal Code, 1860 - s.324.

(ii) Appropriate sentence - Principle of proportionality between crime and punishment - Held: Punishment should not be disproportionately excessive - Concept of proportionality allows significant discretion to the Judge but the same has to be guided by certain principles and embedded in the conceptual essence of just punishment.

(Also see under: Penal Code, 1860)

Gopal Singh v. State of Uttarakhand 104

SERVICE LAW:

- (1) Appointment/Recruitment/Selection:
- (i) Allocation of certain marks for NCC/Sports and computer course certificates - The certificate marks were made component of Interview marks - Unsuccessful candidates challenging the bifurcation of marks of interview - Single Judge of High Court held the same as arbitrary and violative of Art. 14 - Division Bench of High Court upholding the order of Single Judge further recommended that proficiency in NCC/Sports or Computer should have been adjudged by the Interview Board and marks therefor should have been added in the range of 0 to 5 instead of 7 - Held: The method applied by the selecting authority was not wrong - The selection process was not discriminatory and there was no breach of provisions of Arts. 14 and 16 of the Constitution - High Court has imposed its own reading of the requirements of selection process on Interview Board - It is not the job of court to substitute what it thinks appropriate for that which selecting authority decided as desirable - Proposal of High Court amounts to rewriting the rules for selection, which is impermissible while exercising the power of

judicial review - Judicial Review - Scope of.

Rajya Sabha Secretariat and Ors. v. Subhash Baloda and Ors.

956

- (ii) (a) Appointment Co-terminus appointment -Entitlement of such appointees to continue in service - Held: Respondents were engaged only because their names were sponsored by Chairman of Pondicherry Khadi and Village Industries Board, a statutory body corporate - They did not come into the service either through Employment Exchange or through any procedure in which they were required to compete against other eligible candidates - Also, respondents had been clearly told that their services were coterminus, and they will have no right to be employed thereafter - It was not permissible for them to challenge their dis-engagement when tenure of the Chairman was over - Pondicherry Khadi and Village Industries Board Act, 1980 - ss.3 and 15.
- (b) Recruitment Proper channel Requirement of Held: Requirement of being employed through proper channel could not be relaxed in an arbitrary and cavalier manner for the benefit of a few persons This would be clearly violative of Arts. 14 and 16 of the Constitution Constitution of India. 1950 Arts. 14 and 16.

Chief Executive Officer, Pondicherry Khadi and Village Industries Board and Anr. v. K. Aroquia Radja & Ors. ...

562

(iii) Re-appointment - Of teachers - In aided schools in State of Kerala - Minimum continuous service in an academic year - If a pre-requisite for raising claim for re-appointment u/r.51A in view of r.7A(3) - Held: Sub r. (3) of r.7A cannot be read

in isolation, it has to be read in light of the proviso to r.51A - Requirement of preventing the aided school managers in creating short-term vacancies and appointing several persons in those vacancies so as to make them claimants u/r.51A - Looking to the mischief or evil sought to be remedied, purposive construction required to be adopted - A teacher relieved from service under rr.49 and 53, is entitled to get preference for appointment under r.51A only if the teacher has a minimum prescribed continuous service in an academic year as on the date of relief - Kerala Education Rules, 1959 - Chapter XIV A - r.7A(3) r/w r.51A.

State of Kerala and Others v. Sneha Cheriyan and Another

460

(iv) Selection - On the basis of competitive examination - Evaluation of answer scripts challenged - Defect found in 'Model Answer Key' to one of the papers - High Court directed to conduct fresh examination in the paper having defective 'Model Answer Key' - Held: The entire selection process was vitiated by use of defective 'Model Answer Key' and appointments made on the basis of such examination would also be rendered unsustainable - However, in the facts of the case, instead of directing fresh examination, correcting the defect by evaluation of answer scripts with correct key was better option - The re-evaluation would affect only inter-se seniority among the candidates - The already appointed candidates, after re-evaluation, if did not make the grade, would not be ousted from service, but would figure at the bottom of the select list.

Rajesh Kumar & Ors. Etc. v. State of Bihar & Ors. Etc. .

753

(v) Selection - School Service Commission - Post of Headmaster - No panel/select list of candidates prepared by Commission in accordance with statutory regulations - Effect of - Held: Publication of a panel was absolutely essential - Since no panel, as envisaged under the regulations ever came into existence, claim by respondent for appointment on the basis of such a non-existent panel was untenable - Directions issued keeping in view the peculiar facts and circumstances of the case - West Bengal School Service Commission (Procedure for selection of persons for appointment to the post of teachers including Head Masters/Head Mistresses, Superintendent of Senior Madarasa in recognized non-Government Aided Schools and procedure for conduct of business of the Commission) Regulations, 1988.

Vijoy Kumar Pandey v. Arvind Kumar Rai & Ors.

121

(2) Ex-cadre post - Created on the basis of a proposal under a Scheme - Appointment on - Plea of appointee to make it en-cadre - Held: The post was treated as ex-cadre from the very inception and it was well within the knowledge of the appointee - An appointment outside the cadre cannot be considered to be made to temporary post borne on the cadre.

State of Orissa & Ors. v. SRI Jagabandhu
Panda

1080

(3) Leave encashment benefit - To teachers of Pune University employed with Government affiliated colleges - Held: Though 1974 Act entitled the teachers of affiliated colleges the benefit of leave encashment, but neither 1974 Act nor 1994 Act oblige the State to extend this benefit - Merely because University statute provides for the benefit, it does not entitle University/College to claim reimbursement from State as of right - State was also justified in issuing directives to Universities to amend their statutes - Maharashtra Universities Act, 1994 - s.115 - Poona University Act, 1974 - Statutes of Pune University - Statutes 424(3) and 424(C).

State of Maharashtra and Others v.

Nowrosjee Wadia College and Others 303

(4) Pension - Calculation of - Government order - While calculating pension, classified the employees retiring before and after 1.6.1988 - Lower component of 'dearness pay' was extended to the employees retiring after 1.6.1988 vis-à-vis the employees who retired prior thereto - Held: Such classification is arbitrary and discriminatory and is liable to be set aside as violative of Arts. 14 and 16 of the Constitution - Constitution of India, 1950 - Arts. 14 and 16 - Tamilnadu Pension Rules, 1976 - r.30.

Kallakkurichi Taluk Retired Official Association, Tamilnadu, etc. v. State of Tamilnadu

883

(5) (i) Promotion - Eligibility - Held: Respondents were already holding the post of Scientific Officer and, therefore, were eligible to promotion quota of 25% posts of Assistant Director after completion of five years of service as Scientific Officers in terms of Rules of 1987 - Subsequent amendment of 1990 laying down to fill in all posts of Assistant Director by direct recruitment could not be applied in case of the respondents - Even if respondents had not completed five years of experience on the post of Scientific Officer for

any reason, they had the statutory protection and benefit of the proviso to r. 5 of 1987 Rules which provided that where permanent scientific officers were not available for absorption under the 25% quota, such temporary and officiating personnel were also to be considered for promotion to the said posts who were functioning on permanent basis on the next lower post - U.P. Forensic Science Laboratories Technical Officers Service Rules, 1987 - rr.5 and 16 - U.P. Forensic Science Laboratories Technical Officers' Service (First Amendment) Rules 1990.

(ii) Service rules - Applicability - Effective date - Held: The rules cannot be made effective from the date of its preparation but will attain legal sanctity and capable of enforcement only when the rules are made effective - The date on which the rules are to be made effective would be the date when the rules are published in gazette notification.

State of U.P. & Ors. v. Mahesh Narain Etc. 5

(6) Promotion - On the basis of seniority-cummerit - Employer laying down a bench mark, besides the criteria fixed by promotion rules - Propriety of - Held: Employer has discretion to fix minimum merit having in mind requirements of the post.

Chairman, Rushikulya Gramya Bank v. Bisawamber Patro & Others

(7) Suspension - During further enquiry by disciplinary authority after direction of court - Held: Though delinquent officer was not under suspension at the time of order of removal from service, he was rightly directed to be deemed

534

suspended u/s.12(4) from the date of original order
of removal - Orissa Civil Services (CCA) Rules,
1962 - r 12(4)

Rushi Guman Singh v. State of Orissa & Ors. 862

(8) Termination of service - By State or State

(8) Termination of service - By State or State instrumentality - Clause in appointment letter providing sole discretion to employer to terminate the services of employees - Held: State itself or a State instrumentality cannot impose unconstitutional conditions in statutory rules/regulations vis-à-vis its employees, in order to terminate the services of its permanent employees in accordance with such terms and conditions - The alleged clause of appointment letter is unconscionable and thus Service Condition Rules held violative of Art.14 of the Constitution to this extent.

Balmer Lawrie & Co. Ltd. & Ors. v. Partha Sarathi Sen Roy & Ors. 1018

STATUTES OF PUNE UNIVERSITY:

Statutes 424(3) and 424(C).

(See under: Service Law) 303

SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002:

s.3.

(See under: International Law) 595

SWATANTRATA SAINIK SAMMAN PENSION SCHEME, 1980:

Pension - Granted by High Court from the year 1973 - Held: The direction relating to entitlement

of claimant to the benefit of pension from 1973 is erroneous - He could be covered under the Scheme only after the circular dated 31.1.1983 whereby he was made entitled to the pension - Circular No.8/4/83-FF(P) dated 31.1.1983 issued by Ministry of Home Affairs.

Secretary to Government of India v. Sawinder Kaur and Anr.

TAMILNADU PENSION RULES, 1976:

r.30.

(See under: Service Law)

U.P. FORENSIC SCIENCE LABORATORIES
TECHNICAL OFFICERS SERVICE RULES,
1987:

rr. 5 and 16.

(See under: Service Law)

) 534

788

883

U.P. FORENSIC SCIENCE LABORATORIES TECHNICAL OFFICERS' SERVICE (FIRST AMENDMENT) RULES 1990:

(See under: Service Law) 534

URBAN DEVELOPMENT:

Illegal and unauthorized construction made by developers/builders - Demolition order - Plea of flat buyers for regularization of construction - Held: The 1966 Act does not mandate regularization of construction made without obtaining the required permission or in violation thereof nor does it entitle flat buyers to seek a mandamus for regularization of unauthorized/illegal construction - The 1991 Regulations also cannot be invoked for regularization of disputed construction because the same were enforced much later - No case made out for directing the respondents to

regularize construction made in violation of sanctioned plan - Courts are also expected to refrain from exercising equitable jurisdiction for regularization of illegal and unauthorized constructions - Flat buyers, however, free to avail appropriate remedy against developers/builders - Mumbai Municipal Corporation Act, 1888 ss.337, 351 and 354A - Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ss.2(c), 3(2), 4, 7(2) and 13 - Development Control Rules for Greater Mumbai, 1967 - Development Control Regulations for Greater Mumbai, 1991.

Esha Ekta Apartments Co-operative Housing Society Limited and Others v. Municipal Corporation of Mumbai and Others

478

WEST BENGAL KEROSENE CONTROL ORDER. 1968:

Para 8 to 11 - Allocation of monthly quota to kerosene dealers - Quota allotted to appellantdealer reduced by Director of Consumer Goods - Order upheld by District Magistrate - Appeal before Principal Secretary/Commissioner of Food and Supply Department which set aside the order of District Magistrate - Jurisdiction of Principal Secretary/Commissioner to entertain the appeal -Challenged - Held: Order passed by District Magistrate, could not be termed as an order under para 8 or 9 of Control Order and thus, no appeal was maintainable under para 10 before Principal Secretary/ Commissioner - Even if order of District Magistrate was passed under para 11, such order was not appealable under para 10 or before Principal Secretary/Commissioner - State has inherent power to alter or to set aside any order passed by District Magistrate but it should follow

the procedure as prescribed by law - From the order passed by Principal Secretary/ Commissioner, it is apparent that it was passed in capacity of his designated post and not on behalf of the State - High Court justified in holding that Principal Secretary/Commissioner was not competent to hear the appeal.

Ranjit Kumar Murmu v. M/s Lachmi Narayan Bhomroj & Ors.

263

WEST BENGAL SCHOOL SERVICE COMMISSION (PROCEDURE FOR SELECTION OF PERSONS FOR APPOINTMENT TO THE POST OF TEACHERS INCLUDING HEAD MASTERS/ HEAD MISTRESSES SUPERINTENDENT OF SENIOR MADARASA IN RECOGNIZED NON-GOVERNMENT AIDED SCHOOLS AND PROCEDURE FOR CONDUCT OF BUSINESS OF THE COMMISSION) REGULATIONS, 1988: (See under: Service Law)

121

WORDS AND PHRASES:

- (1) (i) "as-is-where-is" Meaning of.
- (ii) "as if" Meaning of.
- (iii) "mutatis mutandis" Meaning of Rajasthan Land Revenue (Industrial area allotment) Rules, 1959 - r.11A (as amended).

Rajasthan State Industrial Development and Investment Corporation & Anr. v. Diamond and Gem Development Corporation Ltd. & Anr.

331

(2) 'Control' and 'pervasive control' - Meaning of.

Balmer lawrie & Co. Ltd. & Ors. v. Partha Sarathi Sen Roy & Ors.

	(3) 'Dearness Pay' - Meaning of.	
	Kallakkurichi Taluk Retired Official Association, Tamilnadu, etc. v. State of Tamilnadu	883
	(4) 'Duration of vacancy' - Meaning of.	
	State of Kerala and Others v. Sneha Cheriyan and Another	460
	(5) 'Establish' and 'administer' - Meaning of, in the context of Art. 30 of the Constitution of India, 1950.	
	Dayanand Anglo Vedic (DAV) College Trust and Management Society v. State of Maharashtra and Anr.	821
	(6) 'Encumbrance' - Meaning of.	
	Saraswati Devi (D) By Lr. v. Delhi Dev. Authority & Ors	922
	(7) "possible" and "practicable" - Meaning of - Held: The two words are more or less interchangeable.	
	C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors	1
	(8) 'Void', 'discrimination' - Meaning of.	
	Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors	978
WR	ITS: (1) Mandamus - A Writ of Mandamus can be issued only when a legal right is established against an authority who has legal duty emanating in discharge of public duty or operation of law -	

Court to issue the writ of mandamus keeping in
mind the legislative scheme, its object and
purpose, subject matter, evil sought to be
remedied, State's exclusive privilege etc.
(Also see under: Constitution of India, 1950; and Liquor)
and Elquoi)

State of Kerala and Ors. v. Kandath Distilleries

1053

- (2) (i) Purpose, nature and grant of writs Held: Primary purpose of writ is to protect and establish rights and to impose corresponding imperative duty existing in law It cannot be granted unless an existing legal right of applicant and existent duty of respondent is established Writ does not create or establish a legal right, but enforces one which stood already established Writ is equitable in nature and thus its issuance is governed by equitable principles Grant of writ is at the discretion of court Courts to exercise such discretion on the ground of public policy, public interest and public good.
- (ii) Writ of Mandamus Grant of Criteria, discussed.

(Also see under: Constitution of India, 1950)

Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur & Ors.....

ERRATA VOLUME INDEX 4 (2013)

Page No.	Line No.	Read for	Read as
1019	20	In writ appeals, held	In writ appeals, due to differences in opinion, the matter was referred to the third Judge, who

JUDGES OF THE SUPREME COURT OF INDIA

- 1. Hon'ble Shri Altamas Kabir, Chief Justice of India
- Hon'ble Mr. Justice P. Sathasivam
- 3. Hon'ble Mr. Justice G.S. Singhvi
- 4. Hon'ble Mr. Justice Aftab Alam
- Hon'ble Mr. Justice R.M. Lodha
- 6. Hon'ble Mr. Justice H.L. Dattu
- 7. Hon'ble Dr. Justice B.S. Chauhan
- 8. Hon'ble Mr. Justice A.K. Patnaik
- Hon'ble Mr. Justice T.S. Thakur
- 10. Hon'ble Mr. Justice K.S. Radhakrishnan
- 11. Hon'ble Mr. Justice Surinder Singh Nijjar
- 12. Hon'ble Mr. Justice Chandramauli Kr. Prasad
- 13. Hon'ble Mr. Justice H.L. Gokhale
- 14. Hon'ble Mrs. Justice Gyan Sudha Misra
- 15. Hon'ble Mr. Justice Anil R. Dave
- 16. Hon'ble Mr. Justice S.J. Mukhopadhaya
- 17. Hon'ble Mrs. Justice Ranjana Prakash Desai
- 18. Hon'ble Mr. Justice J.S. Khehar
- 19. Hon'ble Mr. Justice Dipak Misra
- 20. Hon'ble Mr. Justice J. Chelameswar
- 21. Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla

- 22. Hon'ble Mr. Justice Ranjan Gogoi
- 23. Hon'ble Mr. Justice Madan B. Lokur
- 24. Hon'ble Mr. Justice M. Yusuf Eqbal
- 25. Hon'ble Mr. Justice V. Gopala Gowda
- 26. Hon'ble Mr. Justice Vikramajit Sen
- 27. Hon'ble Mr. Justice Pinaki Chandra Ghose
- 28. Hon'ble Mr. Justice Kurian Joseph
- 29. Hon'ble Mr. Justice A.K. Sikri
- 30. Hon'ble Mr. Justice Sharad Arvind Bobde



SUPREME COURT REPORTS

Containing Cases Determined by the Supreme Court of India

VOLUME INDEX [2013] 4 S.C.R.

EDITORS
RAJENDRA PRASAD, M.A., LL.M.
BIBHUTI BHUSHAN BOSE, B.Sc. (Hons.), M.B.E., LL.B.

ASSISTANT EDITORS
KALPANA K. TRIPATHY, M.A., LL.B.
NIDHI JAIN, B.A., LL.B., PGD in IPR and ITL.
DEVIKA GUJRAL, B.Com. (Hons.), Grad. C.W.A., LL.B.

PUBLISHED UNDER THE AUTHORITY OF THE SUPREME COURT OF INDIA BY THE CONTROLLER OF PUBLICATIONS, DELHI (Also available on www.supremecourtofindia.nic.in)

ALL RIGHTS RESERVED

LIST OF THE MEMBERS OF THE SUPREME COURT COUNCIL OF LAW REPORTING

CHAIRMAN

HON'BLE SHRI ALTAMAS KABIR CHIEF JUSTICE OF INDIA

MEMBERS

HON'BLE MR. JUSTICE P. SATHASIVAM HON'BLE MR. JUSTICE G.S. SINGHVI

MR. G.E. VAHANVATI (ATTORNEY GENERAL FOR INDIA)

MR. M.N. KRISHNAMANI (NOMINEE OF THE BAR ASSOCIATION)

Secretary

SUNIL THOMAS (Registrar)