STATE OF HARYANA AND ORS. A

v.

M/S. AGM MANAGEMENT SERVICES LTD.

JUNE 15, 2006

[ARIJIT PASAYAT AND ALTAMAS KABIR, JJ.] B

Precedent:

Reliance on decisions—Principles of—Held: Court should not place reliance on decisions without discussing as to how factual situation fits in with fact situation of the decision on which reliance is placed—Judgment are not to be construed as statutes—Observations of Courts are not to be read as Euclid's theorems nor as provisions of statute taken out of their context—These must be read in the context in which they appear. C

Judicial utterances—Circumstantial flexibility, one additional or different fact make lot of difference between conclusions in two cases—It is improper to dispose of cases by blindly placing reliance on a decision. D

Respondent-Company filed a writ petition. High Court relying on the order of High Court in an earlier decision in *Ramesh Chand and Ors.* **v.** *The Registrar-cum-Deputy Commissioner, Jind & Ors.*, **(C.W.P. No. 14360 of 2005) disposed of the writ petition issuing certain directions. Hence, the present appeal.** E

Appellant-State contended that the High Court did not indicate as to how the decision relied upon by it had any relevance to the dispute raised by respondent No. 1; and that the order of High Court on which reliance was placed related to refusal to register the sale deed which was not the issue in the instant case. F

Remitting the matter to the High Court for a fresh hearing, the Court G

HELD: 1.1. The Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of Courts are neither to be read as Euclid's theorems nor as provisions of

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the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of Courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. [45-G-H; 46-A-B]

1.2. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper. [46-E-F]

London Graving Dock Co. Ltd. **v.** *Horton,* **(1951) AC 737;** *Home Office* **v.** *Dorset Yacht Co.,* **[1970] 2 All ER 294 and** *Herrington* **v.** *British Railways Board,* **(1972) 2 WLR 537, referred to.**

2 High Court has not indicted as to the applicability of the decision in *Ramesh Chand's* **case to the facts of the instant case. Thus, the order of High Court is set aside. [45-F-G]**

Ramesh Chand and Ors. **v.** *The Registrar-cum-Deputy Commissioner, Jind & Ors.,* **C.W.P. No. 14360 of 2005, referred to.**

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2751 of 2006.

From the Judgment and Order dated 2.2.2006 of the High Court of Punjab and Haryana at Chandigarh in C.M. No. 1751 of 2006 (O & M) in CWP No. 167 of 2006.

Manjit Singh, Harikesh Singh and T.V. George for the Appellants.

Raju Ramachandran, A.K. Vashishtha and Yash Pal Dhingra for the Respondent.

The Judgment of the Court was delivered by

ARIJIT PASAYAT, J. Leave granted.

The State of Haryana, Deputy Commissioner-cum-Collector, Faridabad and the Sub-Registrar, Faridabad call in question legality of the judgment rendered by a Division Bench of the Punjab and Haryana High Court by

which Civil Writ Petition No.167 of 2006 filed by the respondents was disposed of.

The High Court disposed of the Writ Petition with the following direction:

> "The only prayer of the petitioner at this stage is that the present matter be disposed of by the respondents by keeping in mind the order of this Court appended as Annexure P-7 with application. We accordingly issue a direction to the respondents that necessary exercise be completed within a period of four months from the date that a certified copy of this order is supplied to them."

Learned counsel for the appellant submits that the High Court without indicating as to how the order of the High Court in an earlier case in *Ramesh Chand and Ors.* v. *The Registrar-cum-Deputy Commissioner, Jind & Ors.*, i.e C.W.P. No.14360 of 2005 had any relevance so far as the dispute raised by the respondent No.1 before it. According to him the judgment in CWP No. 14360 of 2005 related to refusal to register the sale deed on two grounds. The present case, according to the learned counsel for the appellant, does not relate to a refusal to register the sale deed. By the impugned letter dated 21.12.2005, the respondent was required to obtain "No objection certificate" from the office of the District and Town Planner, Faridabad. The High Court, therefore, was not justified in giving the directions as noted above.

In response, learned counsel for the respondents submitted that though the letter dated 21.12.2005 appears to be innocuous, in a sense that relates to refusal of registration. Reference is made to Section 7(A) of the Haryana Development and Regulation of Urban Areas Act, 1975 (in short the 'Act') to substantiate the stand.

We find that the High Court has not even indicated as to the applicability of the decision in *Ramesh Chand's* case (supra) to the facts of the present case.

The Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of Courts are neither to be read as Euclid's theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of Courts are not to be construed as

A statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In *London Graving Dock Co. Ltd.* v. *Horton,* (1951) AC 737 at p.761, Lord Mac Dermot observed:

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> "The matter cannot, of course, be settled merely by treating the ipsissima vertra of Willes, J as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge."

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In *Home Office* v. *Dorset Yacht Co.,* [1970] 2 All ER 294 Lord Reid said, "Lord Atkin's speech.....is not to be treated as if it was a statute definition. It will require qualification in new circumstances." Megarry, J in (1971) 1 WLR 1062 observed: "One must not, of course, construe even a reserved D judgment of Russell L.J. as if it were an Act of Parliament." And, in *Herrington* v. *British Railways Board,* (1972) 2 WLR 537 Lord Morris said:

> "There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances made in the setting of the facts E of a particular case."

Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper.

F The following words of Lord Denning in the matter of applying precedents have become *locus classicus*:

> "Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect, in deciding such cases, one should G avoid the temptation to decide cases (as said by Cordozo) by matching the colour of one case against the colour of another. To decide, therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive."

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"Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. My plea is to keep the path to justice clear of obstructions which could impede it." A

As noted above, the High Court has not even discussed as to how the decision in *Ramesh Chand's* case (supra) had any similarity to the facts of the present case. B

In the aforesaid background we set aside the order of the High Court and remit the matter for a fresh hearing in accordance with law. We make it clear we have not expressed any opinion on the merits of the case. C

Learned counsel for the respondent submitted that similar cases are pending in the High Court awaiting decision in this case. Therefore, it would be proper that the writ petition is disposed of finally.

Keeping in view the aforesaid submission, we request the High Court to dispose of the writ petition as early as possible. The appeal is accordingly disposed of. No costs. D

N.J. Appeal disposed of.