

SLP(C)No. 5116 OF 2003

ITEM No.60

Court No. 1

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.5116/2003

(From the judgement and order dated 25/09/2002 in CWP 794/2002
of The High Court of Uttaranchal at Nainital)

STATE OF UTTARANCHAL & ANR.

Petitioner (s)

VERSUS

AZAD AHAMAD & ORS.

Respondent (s)

(With appln(s). for c/delay in filing SLP, exemption from filing
O.T. and prayer for interim relief)

With
SLP(C)No.2488 of 2003
(With prayer for interim relief)

Date : 07/04/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s) Mr. Gaurav Banerjee, Sr. Adv.
Mrs.D. Bharathi Reddy,Adv.
Ms. Sangeeta Sharma, Adv.

For Respondent (s) Mr. K.K. Tyagi, Adv.
No. 5 in SLP 5116 and Mr. P. Narasimhan,Adv.
sole res.in SLP 2488: Mr. I.Ahmad, Adv.

UPON hearing counsel the Court made the following
O R D E R

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The application for exemption from filing O.T. is
allowed.

Delay condoned.

Leave granted.

The appeals are allowed. There shall be no order
as to costs.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3021 of 2003@@
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(Arising out of S.L.P.(C) No. 5116 of 2003)

State of Uttaranchal and Anr. ... Appellant (s)

Vs.

Azad Ahamad and Ors. ... Respondent (s)

With
C.A. No. 3022 of 2003 @ S.L.P.(C) No. 2488 of 2003.@@
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O R D E R@@
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Heard counsel for the parties.
Leave granted.

The High Court has passed the orders as if the parties have consented to such an order. We have looked into the record. We do not find any consent having been given by the parties for passing such orders. In the absence of such a consent, the orders under challenge deserve to be set aside. We, accordingly, set aside the

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orders and remit the matters to the High Court to decide the Writ Petitions in accordance with law.

The appeals are allowed. There shall be no order as to costs.

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.....CJI.@@
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.....J.@@
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(Brijesh Kumar)@@
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.....J.@@
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(S.B. Sinha)@@
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New Delhi,
April 07, 2003.