

\*/

SLP(C)No. 2394 OF 2002

ITEM No.39

Court No. 2

SECTION XIIA  
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.2394/2002

(From the judgement and order dated 12/10/2001 in WP 16136/93  
of The HIGH COURT OF A.P AT HYDERABAD)

S.U.M. PRASAD

Petitioner (s)

VERSUS

A.P. STATE FED.,CO-OP.SPIN.MILLS LTD&ORS

Respondent (s)

(With prayer for interim relief and office report)

Date : 30/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MRS.JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. L.N. Rao,Sr.Adv.  
Mr. G. Ramakrishna Prasad,Adv.  
Mr. Mohd. Wasay Khan,Adv.  
Mr. K.C. Ramakrishna,Adv.  
Mr. K.C. Sudershan,Adv.  
Mr. Jayanth Muthuraj,Adv.

For Respondent (s) Mr. K. Ram Kumar,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J  
Heard learned counsel for the parties for a while.

Leave granted.

The civil appeal is disposed of.

(T.I. Rajput)  
Court Master

(Suneet Bala Sharma)  
Assistant Registrar

(Signed order is placed on the file)

.PA  
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 6446 of 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of S.L.P. (C) No. 2394 of 2002)

S.U.M. Prasad ...Appellant (s)

Versus~

A.P. State Fed. Co-op. Spinning Mills  
Limited & Ors. ....Respondent (s)

O R D E R@@  
CCCCCCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2

Leave granted.

A writ petition filed by the petitioner herein was not entertained by the High Court on a finding that the Andhra Pradesh State Federation of Co-operative Spinning Mills is not a 'State' within the meaning of Article 12 of the Constitution. There is already a judgment of this Court in A.P. State Fed. of Coop. Spinning Mills Ltd. & Anr. vs.@@  
CC  
P.V. Swaminathan (Civil Appeal No. 5037 of 1997) dated 31st@@  
CCCCCCCCCCCCCCCCCCCC  
January, 2001, wherein it has been held that a writ petition against the Federation would be maintainable. There has also been a larger Bench decision of this Court in Pradeep Kumar@@  
CCCCCCCCCCCCCCCC  
Biswas vs. Indian Institute of Chemical Biology & Ors. (2002@@  
CCCCC CC  
...2/-

(5) S.C.C. 111) that it is a 'State' within the meaning of Article 12 of the Constitution. At any rate, a petition under Article 226 of the Constitution is entertainable not only against the State but also against other authorities. This being the position, we are of the opinion that the High Court committed error in not deciding the merits of the petition and dismissing the petition on the ground of maintainability. We, therefore, set aside the impugned order and remit the matter to the High Court for consideration on merits.

The civil appeal is, accordingly, disposed of.  
No costs.

.SP1

.....J.@@  
AAAA  
(G.B. Pattanaik)@@  
AAAAAAAAAAAAAAAA

.....J.@@  
AA  
(Ruma Pal)@@  
AAAAAAAAAA

.....J.@@  
AA  
(S.N. Variava)@@  
AAAAAAAAAAAAAA

New Delhi,  
September 30, 2002.