

SLP(C)No. 11688 OF 2003  
ITEM No.37

Court No. 7

SECTION IVA  
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.11688/2003

(From the judgement and order dated 18/09/2002 in LPA 452/96  
of The HIGH COURT OF M.P AT GWALIOR)

DHEERENDRA KUMAR MISHRA

Petitioner (s)

VERSUS

STATE OF M.P. & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for c/delay in filing SLP c/delay in refiling SLP and  
exemption from filing O.T. )

Date : 20/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. S.C. Maheshwari, Sr. Adv.  
Ms. Sandhya Goswami, Adv.  
Mr. M.P.S. Tomar, Adv.

For Respondent (s) Mr. Satish K. Agnihotri, Adv.

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

Delay condoned.  
Leave granted.  
The appeal is allowed in terms of the signed order.

(Sarojbala)  
PA to Addl.Registrar

(Promila Nagpal)  
Court Master  
(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1258 OF 2004  
(Arising out SLP(C) 11688/2003)

Dheerendra Kumar Mishra Appellant(s)

Vs.  
State of Madhya Pradesh & Ors. Respondent(s)

O R D E R

Delay condoned.  
Leave granted.  
Heard the learned counsel for the parties and perused the order passed by the Divisi

on Bench of the High Court in LPA. Besides the fact that the writ petition was filed under Article 226/227 of the Constitution of India, the order impugned in the High Court was passed by the Board of Revenue. Even though it may be a quasi-judicial forum as submitted, yet a writ of certiorari can be issued in appropriate cases to quash the order passed by the Board of Revenue. It could not be urged, much less substantiated before us that the order passed by the learned Single Judge could not be passed in

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exercise of jurisdiction under Article 226 of the Constitution of India. We feel that the Division Bench has erred in refusing to consider and decide the appeal on merits.

We, therefore, allow the appeal and set aside the order passed by the Division Bench and remand the matter to the High Court to be decided by Division Bench on merits.

.....J.  
(BRIJESH KUMAR)

.....J.  
(ARUN KUMAR)

NEW DELHI  
FEBRUARY 20, 2003.