

SLP(C)No. 4687 OF 2001
ITEM No.203

Court No. 2

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.4687/2001
(From the judgement and order dated 21/12/1999 in CMWP 53773/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

CHANDRIKA
(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP
and permission to place addl. documents on record)
(For Final Disposal)(Office report)

Respondent (s)

Date : 01/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. Yogeshwar Prasad, Sr. Adv.
Mr. Ashok K. Srivastava,Adv.

For Respondent (s)Ms. Sandhya Goswami,Adv.

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

Leave granted.

Appeal is allowed in terms of the signed order.

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5553 /2003
[Arising out of S.L.P.(C) No.4687/2001]

State of U.P.

...
APPELLANT

VERSUS

Chandrika
...
RESPONDENT

O R D E R

Leave granted.

The appellant before us is questioning the order made by the High Court in Writ petition No.53 773 of 1999 whereby all that is stated by the High court is as follows:
" Heard.
No case is made out.
The writ petition is accordingly dismissed."

A Writ petition is a original proceeding in the High Court. The High Court ought to have applied its mind to all the facts arising in the matter and the contentions putforward by the parties and thereby ought to have decided the matter one way or the other and not passed a laconic order.
On perusal of the order it cannot be made out whether there has been any application of mind by the High Court to the

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facts arising in the case and in that view of the matter we set aside the order made by the High Court and remit the matter to the High Court for fresh disposal in accordance with law. The appeal is allowed accordingly. The writ petition is restored to its original number. As this is an old matter, the same shall be disposed of as early as possible.

.....
(S. RAJENDRA BABU)

.....J.
(G.P. MATHUR)
New Delhi,
August 1, 2003.