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SLP(C)No. 5799 OF 2001

ITEM No.54

Court No. 2

SECTION IX
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.5799/2001

(From the judgement and order dated 07/02/2001 in WP 4277/2000
of The HIGH COURT OF BOMBAY AT NAGPUR)

MUKESH & ORS.

Petitioner (s)

VERSUS

CHIEF OFFICER, MUNICIPAL COUNCIL & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Uday Umesh Lalit,Adv.

For Respondent (s) Mr. R.S. Lambat,Adv.

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

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Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
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. 6307 of 2001@@
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(Arising out of S.L.P. (C) No.5799 of 2001)

Mukesh & Ors. ...Appellant (s)

Versus~

Chief Officer, Municipal Council & Ors.Respondent (s)

O R D E R@@
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Leave granted.

The High Court dismissed the writ petition filed by the present appellants in limine, inter alia, on the ground that it was supposed to be in the public interest.

We have read the writ petition and are of the view that it is not filed in the public interest but in the private interest of the writ petitioners. There is also an explanation given in regard to the civil suit to which the order of summary dismissal makes reference. All things considered, we are of the view that the writ petition deserves to be heard on its merits. But we do not dilate because we do not desire to prejudice the case on either side.

The civil appeal is allowed. The order under challenge ...2/-

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is set aside. The writ petition (No.4277 of 2000) is restored to the file of the Nagpur Bench of the High Court at Bombay to be heard and disposed of afresh.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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.....J.
(Ashok Bhan)@@
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New Delhi,
September 10, 2001.