

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(s).6871/2004

(From the judgement and order dated 25/11/2003 in MCC No. 1098/1998 of
The HIGH COURT OF M.P AT JABALPUR)

MUNICIPAL CORPORATION, SINGRAULI & ANR

Petitioner(s)

VERSUS

RAJKUMAR BISWAS & ORS.

Respondent(s)

(With appln(s) for permission to submit additional document(s) and with
prayer for interim relief)

Date: 14/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Shiv Sagar Tiwari, Adv.

Mr. Umesh Babu Chaurasia, Adv.

For Respondent(s)

Mr. S.K. Verma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed. The impugned order of the High Court is set aside. The application filed by the respondents shall be taken up for consideration and decision afresh by the High Court in the light of the observations made hereinabove.

No order as to costs.

(D.P. WALIA)

(RADHA R. BHATIA)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3664 OF 2005

(arising out of SLP(C) No. 6871 of 2004)

Municipal Corporation, Singrauli & Anr.

... Appellants

vs.

Rajkumar Biswas & Ors.

... Respondents

O R D E R

Leave granted.

By the impugned order, the High Court has directed the number of shops liable to be allotted by the appellants to the respondents to be changed from shops Nos. 1 to 6 and 15 (reserved as per order dated 22.6.1994) to shops Nos. 13 to 19. However, the impugned order does not assign any reasons for such modification which have prevailed with the High Court for such modification. The modification as directed to be made by the High Court has far-reaching bearing on the rights of the parties. We do not think that such a modification could have been directed to be made except by assigning reasons in favour of forming such opinion that that too based on material available on record.

The impugned order of the High Court being bereft of reasons cannot be sustained.

The appeal is allowed. The impugned order of the High Court is set aside. The application filed by the respondents shall be

taken up for consideration and decision afresh by the High Court in

the light of the observations made hereinabove.

No order as to costs.

.....CJI

(R.C. LAHOTI)

.....J

(P.K. BALASUBRAMANYAN)

New Delhi;

July 14, 2005.