

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2656 OF 2005

(Arising out of SLP(C) No.8255/2004)

NERUL STATION COMP.BUSINESMEN

ASSON.& ANR.

.....

APPELLANTS

VERSUS

CITY IND.DEV.CORP.OF MAHARASHTRA LTD.& ORS.

.....

RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel appearing for the parties.

The impugned order of the High Court does not at all deal with the

contentions on facts and law urged by the parties. The question of maintainability of

the writ petition which has been raised by the contesting respondents has also not

been gone into by the High Court. The High Court dismissed the writ petition stating

"All these questions are normally not decided in writ jurisdiction." We are unable to

understand as there are no reasons recorded to come to such a conclusion. The issues

raised by the appellants could have been gone into in exercise of writ jurisdiction of the High Court.

The appeal is accordingly allowed. The impugned order of the High Court is set aside. The matter is remanded to the High Court. The High Court is directed to re-register the writ petition and decide it afresh in accordance with law after hearing the parties and considering the contentions raised by them.

.....J.

.DHARMADHIKARI)

.....
(D.M

.....J.

EMA)

.....
(H.K.S

NEW DELHI;

APRIL 18, 2005.

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8255/2004

(From the judgement and order dated 24/02/2004 in WP No. 1823/2004 of The
HIGH COURT OF BOMBAY)

NERUL STATION COMP.BUSINESMEN ASSON.&ANR

Petitioner(s)

VERSUS

CITY IND.DEV.CORP.OF MAHARASHTRA LTD&ORS

Respondent(s)

(With prayer for interim relief)

Date: 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE H.K.SEMA

For Petitioner(s)

Mr. Arvind Minocha, Adv.

For Respondent(s)

For RR-1

Mr. Altaf Ahmad, Sr. Adv.

Mr. Sanjay Dubey, Adv.

Mr. A.S. Bhasme, Adv.

Mr. Mukesh K. Giri, Adv.

UPON hearing counsel the Court made the following

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O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed order is placed on the file)