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SLP(C)No. 8123-8124 OF 2004  
ITEM No.58

Court No.10

SECTION XI  
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.8123-8124/2004

(From the judgement and order dated 17/10/2003 in SA 302/92 and final judgment and order dated 20.1.2004 in C.M.A.No.29156/03 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW)

MOHD. RIZWAN KHAN

Petitioner (s)

VERSUS

DIRECTOR, STATE CIVIL AVIATION & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 06/12/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)

Mr. T. Mahipal,Adv.

For Respondent (s)

Mr. Prashant Chaudhary, Adv.

Mr. Praveen Swarup,Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

(Satish K. Yadav) (Vijay Aggarwal)  
Court Master Court Master  
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7897-7898 OF 2004  
(Arising out of SLP(C) Nos. 8123-8124/2004)

MOHD. RIZWAN KHAN

.....APPELLANT

Versus

DIRECTOR, STATE CIVIL AVIATION & ANR. ....RESPONDENTS

O R D E R

Leave granted.

By the impugned order, a Division Bench of the Allahabad High Court referred to some decisions of this Court and held that the facts of the case are covered by the said decisions. It was not indicated as to what was the ratio indicated in those cases and issues which were raised in the writ petition. Without indicating as to how the decisions are applicable to the appellant's case, the matter should not have been disposed of. On that limited ground, we remit the matter to the High Court for a fresh decision in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case. The appeals are disposed of accordingly.

.....J.  
[ ARIJIT PASAYAT ]

.....J.  
[ S.H. KAPADIA ]

New Delhi,  
December 6, 2004