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SLP(C)No. 7876 OF 2001  
ITEM No.208

Court No. 4

SECTION XI  
A/N MATTER

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.7876/2001  
(From the judgement and order dated 06/04/2001 in CMWP 12/00  
(27051/1991) of The High Court of Uttranchal at Nainital)

MITHLESH GANDHI & ANR.

Petitioner (s)

VERSUS

G.M.,DISTT.INDUSTRIES CENTRE & ORS.

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for exemption from filing O.T. )  
( For Final Disposal )

Date : 26/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. Chandra Prakash Pandey,Adv.

For Respondent (s)

Ms. Rachana Srivastava,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....J  
.SP2

Exemption is allowed.  
Heard the learned counsel for the parties for about  
five minutes.  
Leave is granted.  
The appeal is allowed in terms of the signed order.  
No costs.

.SP1

[Naresh Kumar]  
Court Master

[Kanwal Singh]  
Court Master

[Signed order is placed on the file.]

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
.....L.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3141 OF 2002@@  
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[Arising out of SLP(C) 7876/2001]

Mithlesh Gandhi & Anr. ...Appellants

Vs.

General Manager, Distt.Industries ...Respondents  
Centre & Ors.

O R D E R@@  
CCCCCCCC

L....L....I....T.....T.....T.....T.....T.....T.....T.....J....R  
.SP2

Heard the learned counsel for the parties.  
Leave is granted.

This appeal is directed against the order of the  
Division Bench of the High Court of Uttranchal at Nainital  
in Civil Misc.W.P.No.12 of 2000 (27051 of 1991) dated April  
6, 2001 which reads as under:-

.SP1

"This petition lacks material facts which  
render this Court unable to adjudicate upon  
the matter raised in dispute. In view of  
non-availability of material facts on record,  
the petition is dismissed. No order as to  
costs. Interim order dated 7.10.1991 is  
hereby vacated."

.SP2

From a perusal of the order it is clear that the High  
Court declined to go into the merits of the case on the  
ground that the writ petition lacks material facts.

We have gone through various averments in the writ  
petition, which need not be adverted to here. We are of  
the view that the contentions raised therein warrant  
adjudication by the High Court. In this view of the matter  
we set aside the order, under challenge, and restore the  
writ petition to the file of the High Court. The High  
Court will now proceed to decide the matter in accordance  
with law as expeditiously as practicable.

The appeal is accordingly allowed. No costs.

.SP1

.....J.  
[ SYED SHAH MOHAMMED QUADRI ]

New Delhi,  
April 26, 2002.@@  
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.....J.  
[ S.N. VARIAVA ]