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SLP(C)No.9201/2000

ITEM No.204

Court No. 2

SECTION XVI
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.9201/2000

(From the judgement and order dated 31/03/2000 in WP 726/99
of The HIGH COURT OF CALCUTTA)

PRAMOD KUMAR PRASAD SHAW

Petitioner (s)

VERSUS

STATE OF WEST BENGAL SERVICE & ORS.

Respondent (s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date : 25/01/2001 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. S. Vallinayagam,Adv.
Mr. S. Muralidhar,Adv.

For Respondent (s) Mr. Tapas Ray,Sr.Adv.
Mr. Ranjan Mukherjee,Adv.

Mr. Jaideep Gupta,Adv.
Ms. Indra Sawhney,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

(S. Sen Gupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No.885 of 2001@@
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(Arising out of S.L.P. (C) No.9201 of 2000)

Pramod Kumar Prasad Shaw ...Appellant (s)

Versus~

State of West Bengal & Ors.Respondent (s)

O R D E R@@
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Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at this stage by an order setting aside the order under challenge and restoring the writ petition to the file of the High Court to be heard and disposed of on merits.

The High Court dismissed the writ petition filed by the present appellant on the ground that it was a public interest litigation in which the removal of unauthorised occupants was involved. The High Court took the view that there was no need to interfere in the public interest litigation. It did not find any merit in the public interest litigation and, accordingly, dismissed it.

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We have read the writ petition that was filed before the High Court. It is clear therefrom that it is not a public interest litigation but a litigation filed by an individual to seek relief for himself. We are, therefore, of the view that the writ petition must be restored to the file of the High Court to be heard and disposed of on merits. We make it clear that we express no opinion on the merits of the case on either side. It shall be open to the parties to raise all available contentions before the High Court.

The civil appeal is allowed. The order under appeal is set aside. The writ petition (Writ Petition No.726 of 1999) is restored to the file of the High Court to be heard and disposed of on merits.

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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New Delhi,
January 25, 2001.