

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).8468/2010

(From the judgement and order dated 10/03/2010 in CMWP No.  
13552/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.& ORS. Petitioner(s)

VERSUS

SAMEER DWIVEDI & ORS. Respondent(s)

(With appln(s) for stay)  
WITH SLP(C) NO.8472/2010 (With appln. for stay)

Date: 19/03/2010 This Petition was called on for mentioning today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.  
Mr. S.G. Husnain, Adv.  
Mr. S.M. Fazal, Adv.  
Ms. Alka Sinha, Adv.  
Mr. Anuvrat Sharma, Adv.  
Mr. P.N. Gupta, Adv.

For Respondent(s) Mr. Uday U. Lalit, Sr. Adv.  
Ms. Kamini Jaiswal, Adv.  
Mrs V.D. Khanna, Adv.  
  
Mr. Shanti Bhushan, Sr. Adv.  
Mr. Arjun Pant, Adv.  
Mr. J.M. Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Sandeep Malik, Adv.  
Mr. Sanpreet Singh A., Adv.

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

Taken on board. Heard the learned counsel.

The contesting respondents (respondents 1 and 2 in both SLPs) are represented by Mrs. V.D. Khanna, Advocate.  
The other respondents are proforma respondents.

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ITEM NO.MM-25+26

COURT NO.4

DATED 19/3/2010

...contd.

The High Court by the impugned order, has directed the Central Bureau of Investigation ('CBI', for short) to hold an enquiry regarding the manner of grant of mining leases by the State Government during the last three years. The Court has also directed the CBI to submit a preliminary report by 4.4.2010.

One of the contentions urged by the petitioners herein is that all the respondents in the writ petition before the High Court were not heard and did not have an opportunity to put forth their arguments. Another contention is that no reason is assigned in the interim

order for resorting to the extraordinary step of directing a roving enquiry by CBI for a period of three years.

A perusal of the impugned order supports the aforesaid contentions. We find no reasoning in the order to support the direction. In view of the above, we are of the view that instead of examining the matter on merits, it would be appropriate if the case is remanded to the High Court for fresh consideration and appropriate orders by the appropriate Bench authorised to hear such matters.

We, accordingly, set aside the impugned order dated 10.3.2010. The High Court is requested to hear all the parties and pass appropriate orders in accordance with law.

Special Leave Petitions are disposed of.  
( Ravi P. Verma ) ( M.S. Negi )  
Court Master Court Master