

SLP(C)No. 11388 OF 2001

ITEM No.28

Court No. 2

SECTION III  
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.11388/2001  
(From the judgement and order dated 17/11/2000 in CMA for stay  
in CMWP 1111/00 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

MODERN TRANSPORT COMPANY,LUDHIANA & ANR.

Respondent (s)

(With prayer for interim relief and office report)  
( With Appln(s). for exemption from appointment of official translator )

Date : 11/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Gaurav K Banerjee, Adv.  
Mr. R.C. Verma, Mr. Mukesh Verma and  
Ms. Neeta Sinha, Advs.

For Respondent (s) Mr. Sunil Gupta, Adv.  
Mr. Pramod Dayal and Ms. Lipika Sharma,  
Advs.

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

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

Special leave granted.

The appeal is disposed of in terms of the signed  
order.

(D.P. WALIA)  
Court Master

(S.L. GOYAL)  
Court Master

(Signed Order is placed on the file)

.PA  
.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R  
.PL60

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 187 OF 2002@@

State of U.P. & Ors.

..Appellant(s)

vs.

Modern Transport Company, Ludhiana & Anr.

..Respondent(s)

O R D E R@@  
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.SP2

Special leave granted.

The respondents had filed a writ petition in the High Court being aggrieved by the action of the appellants in seizing the vehicle and detaining the goods which were being transported by the respondents. The prayer in the writ petition was for a direction for the release of the goods and the vehicle. This petition was filed, according to the learned counsel for the appellants, on 6th November, 2000 and on 17th November, 2000, the following order was passed by the High Court :

.....L.....I.....T.....T.....T.....T.....J....T.R  
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"Until further orders we direct that the truck and goods which had been detained on 5.10.2000 and 7.10.2000 shall be released forthwith in favour of petitioner.

As regards the goods which have been seized they will be released on petitioners furnishing Bank Guarantee before respondent no. 2 to the tune of 10% of the Bill value as mentioned in the Sale Invoices."

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

.SP2

There is nothing to indicate that any notice was issued and adequate opportunity given to the appellants herein

:2:

to file a reply in opposition to the writ petition. The copy of the order filed also does not indicate any counsel being present on behalf of the appellants herein. Without giving any reason whatsoever, orders were passed by the High Court directing the release of the truck and the goods. This was the only prayer in the writ petition which, in effect, stood allowed by the impugned order dated 17th November, 2000.

It is unfortunate that the High Court has given no reason whatsoever in support of its order. It is expected that when interim orders are passed which, in effect, results in the writ petition itself being allowed, the High Court must give reasons in support thereof.

We, accordingly, set aside the impugned order, but inasmuch as the main relief has already been granted by the High Court the vehicle having been taken away and the goods having been released, it is clear that no useful purpose will be served with the High Court purporting to hear the writ petition which had been filed. That writ petition has, in

fact, become infructuous. The appellants will now be entitled to proceed in the case in accordance with law.

This appeal is disposed of.

.SP1

.....J.  
(B.N. KIRPAL)

.....J.  
(K.G. BALAKRISHNAN)

.....J.  
(ARIJIT PASAYAT)

New Delhi;  
January 11, 2002.