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SLP(C)No. 12837 OF 2000
ITEM No.23

Court No.11

SECTION XIV
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.12837/2000

(From the judgement and order dated 29/06/2000 in WA 254/00
of The HIGH COURT OF GAUHATI)

SUBODH CHANDRA DEB

Petitioner (s)

VERSUS

STATE OF ASSAM & ORS.

Respondent (s)

(With prayer for interim relief and Office Report)

Date : 18/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Mr. A.D. Sikri,Adv.

For Respondent (s)

Mr. Avijit Bhattacharjee,Adv.

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

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Heard learned counsel for the parties for few minutes.
Leave granted.
The appeal is disposed of in terms of the signed order.

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Jatinder

(Janki Bhatia)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. OF 2002@@
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SUBODH CHANDRA DEB

....APPELLANT (S)

-versus-

STATE OF ASSAM & ORS.

....RESPONDENT(S)

O R D E R@@
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By Order dated 4th September, 2001, this Court issued notice limited to the question why the case should not be remanded back to the High Court for deciding the case treating the petition as revision. It is however to be noted that proceedings were between landlord and tenant under the provisions of Assam Urban Area Rent Control Act hence a writ petition will be maintainable against the final order of the authority under the Act.

The writ appeal was disposed of by the Division Bench of the High Court in limini agreeing with the learned Single Judge holding that no writ petition was maintainable against respondent no. 3 and 4 who are landlords of the petitioner.

Leave granted.

The impugned order is set aside and the writ appeal is restored to file and remanded with request to the High Court to dispose of the writ appeal as early as possible preferably within a period of six months on merits.

The appeal is disposed of.

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.....J
(S.N. PHUKAN)

.....J
(BRIJESH KUMAR)

New Delhi;
18th March, 2002.