

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).13968/2005

(From the judgement and order dated 31/03/2005 in DBCWP No. 1774/2004 of the HIGH COURT OF RAJASTHAN AT JAIPUR)

H.L. KHARADIA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN AND ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 31/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Dr. Manish Singhvi, Adv.

Mr. P.V. Yogeswaran, Adv.

For Respondent(s) Ms. Madhurima Tatia, Adv.

Mr. Aruneshwar Gupta, AAG.

UPON hearing counsel the Court made the following

O R D E R

We are not inclined to adjourn the matter despite the fact that a letter for

adjournment has been circulated by learned counsel for the respondent since the

Vakalatnama was filed by the counsel on 8th September, 2005 and none appeared before the Registrar on 4th July, 2006.

Leave granted.

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

(N. Annapurna)
Court Master

(V.P. Tyagi)
Asstt.Regist

rar

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3215 OF 2006

(Arising out of S.L.P.(C) No.13968/2005)

H.L. Kharadia
nt(s)

...Appella

Versus

State of Rajasthan & Ors.
ent(s)

...Respond

O R D E R

We are not inclined to adjourn the matter despite the fact that a letter for

adjournment has been circulated by learned counsel for the respondent since the

Vakalatnama was filed by the counsel on 8th September, 2005 and none appeared before the Registrar on 4th July, 2006.

Leave granted.

Learned counsel for the respondent-State refers to the reply filed on behalf of the

State before the High Court which is Annexure P-2 to the present case. It may, however,

be noted that the writ petition has not been dismissed by the High Court on the ground that

the water facilities are available but on the ground that the appellant was working as

Deputy Manager in State Bank of Bikaner and Jaipur and residing at Jaipur and the relief

sought for was related to Gram Panchayat, Kachroda, District Jaipur. We are afraid the

relief cannot be denied only on this ground.

On this short ground, we set aside the impugned order

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dated 31st March, 2005 and remit Civil Writ Petition No.1774 of 2004 for fresh decision of the High Court in accordance with law.

The appeal is disposed of accordingly.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

.....J.

(P.P. NAOLEKAR)

New Delhi,

July 31, 2006.