

S U P R E M E C O U R T O F I N D I A  
 RECORD OF PROCEEDINGS  
 CIVIL APPEAL NO(s). 6214 OF 2010

M/S SHREE JANKI SUGAR MILLS & CO.& ANR.

Appellant (s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for PLACING ADDL. FACTS AND DOCUMENTS ON RECORD

Date: 22/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
 HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Jayant Bhushan, Sr, Adv.  
 Mr. Sanjeev Agarwal, Adv.  
 Mr. Yunus Malik, Adv.  
 Mr. Dheeraj Bajpai, Adv.  
 Mr. Prashant Chaudhary ,Adv

For Respondent(s) Mr. Sunil Gupta, Sr. Adv.  
 Mr. Vinay Garg ,Adv  
 Ms. Joty Sharma, adv  
  
 Mr. A. P. Sahay, Adv.  
 Ms. Rachana Srivastava,Adv.  
  
 Mr. Pradeep Misra, Adv.  
 Mr. Suraj Singh, Adv.

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

The Appeal is dismissed in terms of the  
 signed order.

(Deepak Joshi)  
 Sr. P.A.

(Indu Satija)  
 Court Master

(signed order is placed on the file )  
 IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6214 OF 2010

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 CO. & ANR

.....Appellant (s)

Versus

STATE OF U. P. & ORS.

.....Respondents (s)

O R D E R

This Appeal has been filed against the judgment and order dated 12.02.2007 in WP No. 851/2003 & (old No. 13662/2000) of the High Court of Uttarakhand at Nainital.

The facts of the case have been set out in the impugned judgment of the High Court and hence we are not repeating the same here.

In our opinion instead of going into the merits of the case the Writ petitions should have been dismissed on the ground of laches.

Admittedly, the impugned U. P. Acquisition (Amendment Ordinance), 1985 and U.P. Sugar Undertakings (Acquisition) Act, 1971 were passed in 1985 and Writ Petition was filed by the appellant in 1989 and in that Writ Petition the Ordinance and Act of 1985 were not challenged. An

Application was filed by the appellant in 1999 before the

-1-

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High Court by which the appellant for the first time challenged the Ordinance which was later replaced by the Act. Even assuming that the appellant had not challenged

the Act but only the ordinance, in our opinion, this was only a technicality because the Act only repeated the

Ordinance. However, we are of the opinion that the Writ Petition suffered from laches since the appellant had

challenged the 1985 Ordinance after 14 years from the date the Ordinance was passed.

The Writ Petition was thus clearly liable to be

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dismissed on the ground of laches.

Hence without going into

the reasons given by the High Court for dismissing the Writ

Petition we uphold the High Court judgment dismissing the

petition.

The Appeal is dismissed on the above terms.

No

costs.

.....J.  
[MARKANDEY KATJU]

[T. S. THAKUR]

.....J.

NEW DELHI;  
SEPTEMBER 22, 2010