

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).12965/2003

(From the judgement and order dated 23/05/2003 in CMWP No. 23591/2003 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

AJAB SINGH & ORS.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln. for permission to place addl. documents on record and prayer for interim relief)

Date: 22/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s) Mr. S.P. Sharma,Adv.

Mr.Ashwani Bhardwaj,Adv.

Mr.Abhishek Atrey,Adv.

Mr.Shishir Singh,Adv.

For Respondent(s) Mr.Javed M.Rao,Adv.

Mr.Vikas Bansal,Adv.

Mr. Kamlendra Mishra,Adv.

Mr.Rajeev Kumar Dubey,Adv.

Ms.Rashmi singh,Adv.

Mr.Ashok Kr.Singh,Adv.

Mr.Nikilesh R.,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of with no order as to costs.

(Usha Bhardwaj)

(Madhu Saxena)

P.S. To Registrar

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2005

(Arising out of S.L.P.(C) No.12965 of 2003)

Ajab Singh & Ors.

...Appellant(s)

vs.

State of U.P. & Ors.

...Respondent(s)

O R D E R

Leave granted.

The only grievance of the appellants is that the appellants were relegated t

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writ an alleged alternate remedy when the High Court had entertained the

cases were applications in respect of the very same notifications and those

pending. The learned counsel appearing on behalf of the respondents states that the reason why the High Court relegated the appellants to an alternate remedy was because the appellant had already filed a writ petition challenging the Notification under Section 4 of the Land Acquisition Act, 1894 which was rejected and their subsequent challenge to Section 6 Notification on the same ground was unacceptable to the High Court and therefore, the appellants were relegated to their alternative remedy by the Court's impugned order. This reasoning does not appear from the High Court's order. In addition, the

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respondents' counsel states that the other writ petitions which were pending have since been disposed of by upholding the correctness of Section 4 Notification. This again is not a reason for the High Court to have differentiated between the appellants and the other writ petitioners. In these circumstances, we set aside the order of the High Court and remand the matter back to it for being disposed of afresh.

The civil appeal is disposed of but without any order as to costs.

.....J.

(RUMA PAL)

.....J.

(DR. AR. LAKSHMANAN)

New Delhi,

July 22, 2005.