

ITEM NO.6

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2010  
CC 8343/2010

(From the judgement and order dated 17/07/1997 in SA No.  
150/2005 & CMWP No. 31378/1996 of The HIGH COURT OF JUDICATURE  
AT ALLAHABAD)

STATE OF U.P.&amp; ANR.

Petitioner(s)

VERSUS

M/S JASWANT SUGAR MILLS LIMITED &amp; ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 07/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Ravi Prakash Mehrotra, Adv.  
Mr. V.P. Singh, Adv.  
Mr. Vibhu Tiwari, Adv.

For Respondent(s) Mr. Anupam Lal Das, Adv.

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

Leave granted.

2

Appeals are allowed in terms of the signed order, setting aside the order dated 17.7.1997 passed by the learned Single Judge with a request to the High Court to dispose of the writ petition itself expeditiously preferably within three months from today. Nothing stated above shall be construed as expression of opinion on merits.

(O.P. Sharma)  
Court Master  
(Signed order is placed on the file)

(M.S. Negi)  
Court Master

3

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5179-80 OF 2010  
(Arising out of SLP(C)Nos.18195-96/2010  
@ SLP(C).CC No.8343 of 2010)

STATE OF U.P.& ANR.

Appellants

VERSUS

M/S JASWANT SUGAR MILLS LIMITED & ORS.

Respondents

O R D E R

Leave granted.

2. Mr. Anupam Lal Das, learned counsel has entered appearance for respondents No. 1 and 2 (M/s. Jaswant Sugar Mills Ltd. and Vakil Chand Jain, in the first matter) and for the sole respondent (Jaswant Sugar Mills Ltd.) in the second matter. Respondent 3 in the first matter is a proforma respondent and notice to it is dispensed with. Heard learned counsel for the parties.

4

3. The undertaking of Jaswant Sugar Mills Ltd. was acquired under the U.P. Sugar Undertaking (Acquisition) Act, 1971 (referred to as 'Act') in the year 1984. One of the properties of the mills had been acquired and compensation to the tune of Rs.4.33 crores was awarded and paid to the Receiver who was in management in the year 1991.

3. The respondents 1 and 2 filed a writ petition before the Allahabad High Court for quashing the order dated 3.8.1996 passed by the Chairman, Board of Revenue directing that after adjusting the statutory liability of Rs.1,62,02,402/- of the Mill with interest thereon and recovery charges, from out of Rs.4,33,94,783/- received as compensation for acquisition of the lands,

of the respondent, the balance shall be deposited in the Government account and only after verification by the Collector, released to the respondent.

4. In the said writ petition, a learned Single Judge of the High Court passed an interim order dated 17.7.1997 directing payment of the balance amount (after the adjustment of the amount referred to above) to the respondent within two months subject to the

5

final decision.

5. Feeling aggrieved, the State filed an intra-court appeal contending that the said interim order had the effect of allowing the writ petition at the stage of interim order, without final hearing. The Division Bench of the High Court, by the impugned order dated 18.3.2010, dismissed the said appeal as not maintainable, on the ground that the order of the Chairman of Board of Revenue was one passed in his supervisory/revisional jurisdiction and not administrative jurisdiction.

6. The said orders dated 17.7.1997 and 18.3.2010 are challenged by the State of U.P. in these appeals by special leave.

7. We find considerable force in the contention of the State that the direction to unconditionally pay the balance amount, that is the balance, after adjusting Rs.1,62,02,402/- plus interest, from Rs.4,33,94,783/- may would amount to allowing the writ petition at the stage of preliminary hearing without hearing the other side. The proper course would have been to either

6

subject the said order to some condition in regard to

security or consider and dispose of the writ petition itself.

8. At this stage the learned counsel for respondents 1 and 2 stated that the writ petition is of the year 1997 and to avoid any delay, the respondents were agreeable for the interim order being set aside if the writ petition itself could be disposed of by the High Court early.

9. In the circumstances, we allow these appeals, set aside the order dated 17.7.1997 passed by the learned Single Judge with a request to the High Court to dispose of the writ petition itself expeditiously preferably within three months from today. Nothing stated above shall be construed as expression of opinion on merits.

.....J.  
[R.V. RAVEENDRAN]

NEW DELHI  
DATED JULY 7, 2010

.....J.  
[H.L. GOKHALE]