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SLP(C)No. 319 OF 2000
ITEM No.35

Court No. 3

SECTION IVA
A/N MATTER

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) No.319/2000
(From the judgement and order dated 22/09/1999 in WP 4230/99
of The HIGH COURT OF M.P. AT JABALPUR)

RAMCHARAN PATEL

Petitioner (s)

VERSUS

STATE OF M.P. & ORS.

Respondent (s)

(With Appln(s). for accepting English translation and impleading
as party petitioner and directions and accepting English translation)
With

W.P(C)No.593/2000 (Laxman Tiwari & Ors. vs. State of Madhya Pradesh
& Ors.) (with appln. for accepting English translation)

Date : 19/02/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)
in SLP

Mr. Shiv Sagar Tiwari, Adv.

in WP

Mr. Sushil Kumar Jain, Adv.
Mr. A P Dhamija, Adv.

For Respondent (s)

Mr. Harish N Salve, Solicitor General
Mr. Ashok Kumar Gupta, Mr. Farrukh Rasheed and
Ms. Pramila S Kumar, Adv.

Mr. B.S. Banthia, Adv.

Mr. Rajiv Nanda, Adv.

For Applicant (s)
in impleadment appln.

Mr. Sushil Kumar Jain, Adv.
Mr. A P Dhamija, Adv.
Ms. Pratibha Jain, Adv.

(Mr. K N Shukla, Sr. Adv. also appeared)

UPON hearing counsel the Court made the following

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SLP(C) No. 319/2000@@
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I.A. No. 2 for impleadment is rejected.

Special leave granted.

The appeal is allowed, the impugned order of the High

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Court is set aside and the case is remanded to the High Court for a fresh decision in accordance with law.

WP(C) No. 593/2000@@
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The petitioners want to approach the High Court and, therefore, wish to withdraw this petition. The writ petition is, accordingly, dismissed as withdrawn.

(D.P. WALIA)
COURT MASTER

(ASHA JOSHI)
COURT MASTER

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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[arising out of SLP(C) No. 319/2000]

Ramcharan Patel

..... Appellant

Versus

State of M.P. & Ors.

..... Respondents

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Special leave granted.

After hearing the learned counsel for the parties and without expressing any opinion on the merits of the allegations, we are of the opinion that the High Court ought not to have dismissed the writ petition before it in limini without calling for a reply and examining the same.

We, therefore, allow this appeal, set aside the impugned order of the High Court and remand the case to the High Court for a fresh decision in accordance with law.

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.....J
(B.N. KIRPAL)

.....J
(RUMA PAL)

New Delhi,
February 19, 2001.