

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).20292/2009
(From the judgement and order dated 30/03/2009 in CMWP No.
18694/1995 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAGAR PALIKA PARISHAD & ANR. Petitioner(s)
VERSUS
KID'S CORNER HAPPY SCHOOL & ORS. Respondent(s)

(With prayer for interim relief and office report )

Date: 29/11/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Dr. Madan Sharma, Adv.
Ms. Asha Upadhyay, Adv.
Ms. Shipra Shukla, Adv.
Mr. R.D. Upadhyay, Adv.

For Respondent(s) Mr. Baban Lal, Sr. Adv.
Mr. Prakash Kumar, Adv.
Ms. Sushmita Lal, Adv.
Mr. G.S. Sarkar, Adv.
Mr. Ashish Lal, Adv.
Ms. Malvika Sarkar, Adv.

Ms. Vandana Sharma, Adv.
Ms. D. Bharati Reddy, Adv.
Mr. S.K. Sinha, Adv.

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

Leave granted.

In terms of the signed order, the appeal is
allowed, the impugned order dated 30.3.2009 is set aside
and the High Court is directed to dispose of the writ
petition on merits in accordance with law. As the matter
relates to cancellation made in the year 1995 and the
writ petition is itself of 1995 and as the interim order
will continue to operate, the High Court is requested to
dispose of the writ petition expeditiously.

( Ravi P. Verma ) ( Mithlesh Gupta )
Court Master Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10264 OF 2010
[Arising out of SLP(C) No.20292 of 2009]

NAGAR PALIKA PARISHAD & ANR. ....APPELLANTS

Versus

KID'S CORNER HAPPY SCHOOL & ORS. ....RESPONDENTS

O R D E R

Leave granted.

2. The Nagar Palika Parishad, the first appellant, by resolution dated 1.5.1991 granted lease of plot of land in favour of the first respondent School. As there was hue and cry from the public alleging that the grant was arbitrary, the State Government directed the first appellant to cancel the lease and in pursuance of it, the first appellant cancelled the lease by order dated 5.7.1995. The cancellation was challenged by the first respondent in W.P. No.18694/1995 wherein the High Court made the following interim order on 13.7.1995:

"Unless the petitioners have already been dispossessed the respondents shall not dispossess the petitioners from the disputed plot. However, the petitioner shall not change the nature of the land in dispute."

3. When the writ petition came up for final disposal on

.....2.

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30.3.2009, the High Court instead of considering the merits and deciding the matter, strangely disposed of the matter in terms of the interim order dated 13.7.1995. The said non-speaking order is challenged in this appeal by special leave.

4. The first appellant had cancelled the grant and that was challenged by the first respondent. Obviously, the Court had to consider the validity of the cancellation. It could not have, therefore, dispose of the matter in terms of the interim order without deciding the dispute between the parties.

5. This appeal is, therefore, allowed, the impugned order dated 30.3.2009 is set aside and the High Court is directed to dispose of the writ petition on merits in accordance with law. As the matter relates to cancellation

made in the year 1995 and the writ petition is itself of  
1995 and as the interim order will continue to operate, the  
High Court is requested to dispose of the writ petition  
expeditiously.

.....J.  
( R.V. RAVEENDRAN )

New Delhi;  
November 29, 2010.

.....J.  
( A.K. PATNAIK )