

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).206/2008

(From the judgment and order dated 19/07/2007 in CWP No.
454/2005 of The HIGH COURT OF H.P AT SHIMLA)

KRISHAN NATH MAHANT Petitioner(s)

VERSUS

STATE OF H.P.& ORS. Respondent(s)

(With prayer for interim relief)

Date: 26/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Anil Nag,Adv.

For Respondent(s)

Mr. Naresh K. Sharma,Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

(Madhu Bala)
Sr.P.A

(Juginder Kaur)
Court Master

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

CIVIL APPEAL NO.(S).2096 OF 2010
(Arising out of SLP(C) No. 206 / 2008

KRISHAN NATH MAHANT Petitioner(s)

VERSUS

STATE OF H.P.& ORS. Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 19.7.2007 passed by the High Court of Himachal Pradesh at Shimla in CWP No. 454 of 2005, whereby the Committee which had been appointed in terms of the directions of the High Court, was allowed to continue without considering the case of the appellant herein that he had been discharging his functions as mahant of the temple diligently and with utmost devotion and the continuance of the Committee was not, therefore, warranted.

Pursuant to the order passed by the High Court on 29.11.2005, the matter has been decided by the High Court without giving the appellant an opportunity of meeting the allegations made against him.

Since the matter has been decided by the High Court without considering the merits, as will be apparent from the aforesaid order dated 29.11.2005, we remand the matter to the High Court for taking a fresh decision regarding continuance of the Committee after giving an opportunity to the appellant to refute the allegations which have been made against him.

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Till the matter is decided by the High Court, the Committee which has been appointed will continue to function.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

New Delhi
Dated February 26, 2010