

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).7322___ OF 2010
(arising out of SLP(C)No.25342 of 2007)

ASHYANA SAHKARI AWAS SAMITI LTD.,
GHAZIABAD

...Appellant(s)

VERSUS

STATE OF UTTAR PRADESH AND OTHERS

...Respondent(s)

WITH

CIVIL APPEAL NO.7323_OF 2010
(arising out of SLP(C)No.8/2008)
CIVIL APPEAL NO.7324_OF 2010
(arising out of SLP(C)No.447/2008)
CIVIL APPEAL NO.7325_OF 2010
(arising out of SLP(C)No.584/2008)

O R D E R

Leave granted.

These appeals are directed against orders passed by the Division Bench of Allahabad High Court dismissing the writ petitions filed by the appellants for issue of writ of mandamus to the respondents to extend them benefit of the policy of regularization of land vested in the Registered Cooperative Housing Societies.

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One of the grounds on which the appellants have challenged the orders of the High Court is that the writ petitions filed by them were dismissed without adverting to the legal issues raised therein.

We have heard learned counsel for the parties and are satisfied that the impugned orders are liable to be set aside because the High Court has not considered the issues raised in the writ petitions and decided the same by recording the reasons, which it was expected to do while exercising jurisdiction under Article 226 of the Constitution.

Consequently, the appeals are allowed.

The impugned orders

are set aside and the matters are remitted to the High Court for fresh disposal of the writ petitions filed by the appellants by passing speaking orders.

The parties are given liberty to file pleadings/additional pleadings and documents before the High Court within a period of two months from today.

.....J.
(G.S. SINGHVI)

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.....J.

(ASOK KUMAR GANGULY)

NEW DELHI,
SEPTEMBER 1, 2010.

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ITEM NO.28

COURT NO.11

SECTION XI

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).25342/2007

(From the judgement and order dated 05/10/2007 in CMWP No.
48641/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ASHYANA SAHKARI AWAS SAMITI LTD.,GZB

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 8 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 447 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 584 of 2008

(With prayer for interim relief and office report)

Date: 01/09/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. P.H. Parekh, Sr.Adv.
Mrs. Shobha Dixit, Sr.Adv.
Mr. Dhruv Mehta, Adv.
Mr. Manoj Gorkela, Adv.
Mr. Ranbir Singh Yadav,Adv.

For Respondent(s) Mr. Vishwajit Singh, Adv.
Mr. Abhindra Maheshwari, Adv.
Ms. Veera Kaul Singh, ADV.

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Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Sanjay Visen, Adv.
Mr. Gunnam Venkateswara Rao, Adv.
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UPON hearing counsel the Court made the following
O R D E R

Leave granted.

In terms of signed order, the appeals are allowed. The impugned orders are set aside and the matters are remitted to the High Court for fresh disposal of the writ petitions filed by the appellants by passing speaking orders.

The parties are given liberty to file pleadings/additional pleadings and documents before the High Court within a period of two months from today.

(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master
(Signed Order is placed on the file)