

Hasinuddin Khan and Others

Vs

Deputy Director of Consolidation and Others

Ram Pyare and Another

Vs

Deputy Director of Consolidation, Lucknow and Others

Civil Appeals Nos. 1394 of 1974, 543 of 1975 and 242 of 1979

(Y.V. Chandrachud, V.R. Krishna Iyer, N.L. Untwalia, P.N. Shinghal, A.D. Koshal JJ)

13.09.1979

JUDGMENT

CHANDRACHUD, C.J. –

1. In view of the judgments of this Court in (1) State of Bombay v. Narottamdas Jethabai (1951 SCR 51 : AIR SC 69 : 1951 SCJ 103) (2) Union of India v. Mohinder Supply Company ((1962) 3 SCR 497 : AIR 1962 SC 256 : (1962) 2 SCJ 179) and (3) Ram Adhar Singh v. Ramroop Singh ((1968) 2 SCR 95 : 1968 SC 714 : (1968) 2 SCJ 480) and in view of the fact that the special leave petition filed against the judgment rendered by the High Court of Allahabad, upholding the validity of the 1962 Act was dismissed by the Constitution Bench of this Court after an elaborate argument, there is no substance in the contention that either the U.P. High Court (Abolition of Letters Patent Appeals) Act, 1962 or the U.P. High Court (Abolition of Letters Patent Appeals) (Amendment) Act 33 of 1972 is unconstitutional. The challenge to these Acts on the ground of their unconstitutionality is, therefore, rejected. Learned counsel appearing on behalf of the appellants have very fairly conceded that position. Accordingly, the civil appeals and the special leave petition are dismissed. There will be no order as to costs.

2. However, the appellants may, if so advised ask for special leave to appeal from the judgment of the learned single Judge. We are sure that the delay caused in filing the SLP in this Court will be condoned since the appellants were pursuing their remedy by filing these appeals in this Court.

3. Learned counsel for the appellant in Civil Appeal 543 of 1975 says that the appellant has already filed Special Leave Petition (Civil) 361 of 1976 in this Court challenging the decision of the learned single Judge of the Allahabad High Court on the merits of the matter. He has also filed an application seeking leave of this Court for urging additional grounds and an application for condonation of delay in filing the special leave petition. The petition for permission to urge additional grounds, except on constitutional points, shall be treated as having been filed in the SLP. These three petitions will be listed before the Division Bench on October 4, 1979.

</html