

SUPREME COURT OF INDIA

R. Nitya Priya

Vs.

Revenue Divisional Officer Thirukoyilur

(S Bharucha and S Sen JJ.)

13.12.1996

JUDGMENT

BHARUCHA, J.

1. Special leave granted.
2. The notice on the SLP stated that the matter might be disposed of at the SLP stage itself by an order of remand.
3. The appeal arises from the judgment and order of the High Court at Madras. The issue in the case was whether the appellant belonged to the Konda Reddy community. An enquiry was held by the 1st respondent. He rejected the claim of the appellant. The appellant preferred a writ petition before the High Court challenging his order. The High Court dismissed it.
4. As is clear from para 8 of the High Court's judgment, a document which was, in its own words, "crucial" and which "cuts at the root of the petitioner's case" was produced only before the High Court. The High Court noted that it had been secured after the enquiry was over, as shown by the attested copy thereof. The High Court held that inasmuch as it had given an opportunity to the appellant's counsel to peruse the document and he had been satisfied about its genuineness, the reliance placed by the other side upon it had to be accepted.
5. We do not think that this is satisfactory. If the document was crucial and cut at the root of her case, the appellant should have had the opportunity of meeting it during the enquiry proceedings. Therefore, the appropriate course for the High Court to have followed was to set aside the order on the enquiry, and to remand the matter to the 1st respondent to hold the enquiry afresh. That is the course that we propose to follow.
6. The appeal is allowed, the judgment and order under appeal is set aside. The order upon the enquiry dated 10-11-1995 is also set aside. The matter is remanded to the 1st respondent to conduct the enquiry afresh and the appellant shall then have the opportunity of meeting the case based upon the transfer certificate issued to the appellant's father referred to in para 8 of the judgment under appeal. The fresh enquiry shall be conducted expeditiously and be concluded within 6 weeks from

today.

7. No order as to costs. 8. IA No. 4 is dismissed.