

SUPREME COURT OF INDIA

State of U.P.

Vs.

Modern Transport Company, Ludhiana

(B Kirpal, K Balakrishnan and A Pasayat JJ.)

11.01.2002

ORDER

1. Special leave granted.

2. The respondents had filed a writ petition in the High Court being aggrieved by the action of the appellants in seizing the vehicle and detaining the goods which were being transported by the respondents. The prayer in the writ petition was for a direction for the release of the goods and the vehicle. This petition was filed, according to the learned counsel for the appellant, on 6th November, 2000, the following order was passed by the High Court:

"Until further orders we direct that the truck and goods which had been detained on 5.10.2000 and 7.10.2000 shall be released forthwith in favour of petitioner.

As regards the goods which have been seized they will be released on petitioners furnishing bank guarantee before respondent No. 2 to the tune of 10% of the Bill value as mentioned in the sale invoices."

3. There is nothing to indicate that any notice was issued and adequate opportunity given to the appellants herein to file a reply in opposition to the writ petition. The copy of the order filed also does not indicate any counsel being present on behalf of the appellants herein. Without giving any reason whatsoever, orders were passed by the High Court directing the release of the truck and the goods. This was the only prayer in the writ petition which, in effect, stood allowed by the impugned order dated 17th November, 2000.

4. It is unfortunate that the High Court has given no reason whatsoever in support of its order. It is expected that when interim orders are passed which, in effect, results in the writ petition itself being allowed, the High Court must give reasons in support thereof.

5. We, accordingly, set aside the impugned order, but in as much as the main relief has already been granted by the High Court the vehicle having been taken away and the goods having been released, it is clear that no useful purpose will be served with the High Court purporting to hear the writ petition which had been filed.

That writ petition has, infact, become infructuous. The appellants will now be entitled to proceed in the case in accordance with law.

6. This appeal is disposed of.