

Srikrishna & Others

v.

Aniruddha Singh & Others

(Supreme Court Of India)

N. SANTOSH HEGDE HON'BLE MR. JUSTICE S.B. SINHA

Special Leave to Petition (Civil) No. 20185 Of 2003 | 24-01-2005

1. Heard learned Counsel for the parties.

2. Leave granted.

3. By the impugned order, without assigning any special reason and without even recording that the respondents have made prima facie case, the High Court has passed a mandatory injunction order directing the Authorities to hand over the possession of the disputed land within twenty four hours from the receipt of the certified copy of the order. We think this order runs counter to the judgment of this Court in the case of Metro Marins & Anr. v. Bonus Watch Co. Pvt. Ltd. & Ors. reported in VI (2004) SLT 55=IV (2004) CLT 8 (SC)=2004 (7) SCC 581. Therefore, we set aside the impugned order and allow the appeal and remit the matter back to the High Court to consider the matter afresh in accordance with law keeping in mind the directions issued in the above-said judgment. In the meanwhile, if the possession is already with the appellant the said possession will be protected and if the possession is taken by virtue of the impugned order the same shall be restored to the appeal until further orders of the High Court.

4. With the above observation this appeal succeeds and the same is allowed.