

SUPREME COURT OF INDIA

Pala Jhangola Vikas Samiti

Vs.

Custodian Gen. of Avacuee Property

C.A.No.6514 of 2001

(Tarun Chatterjee and H.S.Bedi JJ.)

27.02.2008

JUDGMENT

Tarun Chatterjee J.

1. Heard learned counsel for the parties.
2. On perusal of the impugned order against which this appeal has been filed we find that the High Court had dismissed the Writ Petition on the ground that in view of the statutory remedy of appeal and of the highly disputed questions of fact which have been sought to be raised, the Writ Petition could not be entertained.
3. Without going into the merit of the case, we are of the view that liberty should be granted to the appellants to file an appeal before the appellate authority and if such an appeal is filed, the appellate authority without going into the question of limitation shall decide the appeal on merits and in accordance with law after hearing the parties. We order accordingly.
4. In view of the Order now passed, application for impalement has become in fructuous and is disposed of as such. The appeal is disposed of accordingly. There shall be no order as to costs.