

SUPREME COURT OF INDIA

N.Lakshmi & Anr.

Vs.

Govt. of A.P. & Ors.

04.03.2008

(C.K.Thakker and D.K.Jain, JJ.)

C.A.No.1781 of 2008

ORDER

1. Leave granted.

2. We have heard learned counsel for the parties.

3. In all these appeals, it is not in dispute by and between the parties that the Division Bench of the High Court relying on earlier orders passed in other matters dismissed all these matters and the said orders have been challenged by the appellants herein. It was stated that even counter affidavits had not been filed in these matters. It was stated by the learned counsel for the appellants appearing in these matters that several other questions were also raised which were not the subject matter of earlier group and were not agitated in those matters and were not answered one way or the other by the Court raised in these matters. In all these matters, in our opinion, the abovesaid fact also is not disputed by the learned counsel appearing for the contesting respondents. In view of the aforesaid circumstances, in our opinion, ends of justice would be met if we set aside the order passed by the High Court and remit the matters for fresh disposal in accordance with law.

4. Mr. P.P. Rao learned senior counsel appearing for contesting respondents contended that when the Division Bench in the order impugned in the present appeals had not observed anything with regard to other arguments, it should be presumed that no such argument had been advanced on behalf of the writ petitioners/appellants. However, in view of the fact stated above, in our opinion, it would be advisable if the matters are sent to the Division Bench for fresh disposal. The writ petitions/appeals are, therefore, restored to file. It is, however, clarified that it is open to the parties to raise all contentions available in law.

5. In view of the urgency of the nature and the type of litigation, it would be appropriate if the High Court decides all the matters as expeditiously as possible. We would request the High Court to decide them expeditiously. The contesting respondents will file counter affidavit(s) within six weeks and rejoinder, if any, will be filed within a period of two weeks thereafter. Status quo to continue till the disposal of matters by the High Court.

6. It was stated by the learned counsel for the appellants in some appeals that the appellants/petitioners intend to amend petition/appeal. It is open to them to request the High Court and the High Court will pass an appropriate order.

7. The civil appeals are disposed of. No costs.

8. The learned counsel for the petitioners in contempt petitions seeks permission to withdraw the contempt petitions. Permission is granted. The contempt petitions are dismissed as withdrawn without observing anything on the merits of the petitions.