

SUPREME COURT OF INDIA

Vinod Biharilal Narang

Vs.

State of Maharashtra & Ors.

C.A.No.2399 of 2008

(S.B.Sinha and Lokeshwar Singh Panta,JJ.)

31.03.2008

ORDER

1. Leave granted.

2. Having heard the learned counsel for the parties we are of the opinion that the writ appeal filed by the respondents before the High Court should not have been entertained, the writ petition having been filed under Article 227 of the Constitution.

3. The impugned judgment being wholly without jurisdiction is a nullity and it is set aside accordingly. The matter is remitted to the learned Single Judge of the High Court for consideration thereof afresh. All contentions of the parties shall, however, remain open before the Single Judge. The learned Single Judge is requested to consider the desirability of expediting the hearing of the writ petition.

The appeal is disposed of with the aforementioned direction.
.....J (S.B. SINHA)J (LOKESHWAR SINGH PANTA) NEW
DELHI, MARCH 31, 2008.