

SUPREME COURT OF INDIA

Vyankappa Narayan Patki

Vs.

State of Maharashtra

C.A.Nos.4954-4956 of 2008

(B.N. Agrawal and G.S. Singhvi JJ.)

08.08.2008

ORDER

1. Heard learned counsel for the parties.

2. Leave granted.

3. The appellants, two of whom are social workers and one is a political activist, filed a writ petition under Article 226 of the Constitution of India for striking down various provisions of *Mumbai Metropolitan Region Development Authority Act, 1974, Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, Maharashtra Regional Town Planning Act, 1966 and Electricity (Supply) Act, 1948* on the ground that the same are violative of Articles 243G, 243N, 243ZE and 243ZF of the Constitution of India. They further prayed for restraining the State of Maharashtra and Maharashtra State Electricity Board from taking action in furtherance of the provisions of which constitutional validity was challenged.

4. By the impugned order, the High Court summarily dismissed the writ petition by observing that it is only academic and the writ petitioners do not have any personal interest in the matter and their personal right is not affected in any manner. Review applications filed by the petitioners were also dismissed.

5. Having heard learned counsel for the parties, we are satisfied that the writ petition did raise important questions of law and the High Court was not justified in summarily dismissing the same on the grounds enumerated above. In our view, the High Court should have disposed of the writ petition on merits.

6. Accordingly, the civil appeals are allowed, impugned orders are set aside and the matter is remanded to the High Court to consider the writ petition afresh on merits after giving opportunity to the respondents to file counter affidavit thereto and hearing all the parties.