

SUPREME COURT OF INDIA

S.Thankamani

Vs.

Greater Cochin Development Authority

C.A.No.6689 of 2008

(Tarun Chatterjee and V.S.Sirpurkar JJ.)

18.11.2008

ORDER

1. Leave granted.

2. This appeal is directed against an order dated 6th of September, 2007 passed by a Division Bench of the High Court of Kerala at Ernakulam in Writ Appeal No.2171 of 2007 by which the Division Bench had affirmed the order of a learned Single Judge of the said High Court passed on 14th of March, 2007 in O.P.No.29160 of 2000.

3. Having heard the learned counsel for the parties and after going the impugned order, we are of the view that the Division Bench ought to have passed a reasoned and speaking order instead of saying only that they were in respectful agreement with the reasoning and conclusion arrived at by the learned Single Judge. Accordingly, we are of the view that the Division Bench while deciding the appeal had not applied their mind and, therefore, the impugned order of the Division Bench is liable to be set aside and the matter should be sent back to the Division Bench for disposal afresh in accordance with law.

4. For the reasons aforesaid, the impugned order is set aside and the appeal is sent back to the Division Bench of the High Court for fresh decision in accordance with law after giving hearing to the learned counsel for the parties. It is expected that the Division Bench shall pass a reasoned and speaking order while disposing of the appeal.

5. The appeal is thus allowed to the extent indicated above. There will be no order as to costs.