

SUPREME COURT OF INDIA

Vishnu Kumar Sikaravar

Vs.

Anil Kumar Garg & Ors.

C.A.No.8224 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

22.08.2016

JUDGMENT

Kurian Joseph,J.,

SLP.(Civil)No.18702 of 2016

1. We have heard learned counsel for the parties.
2. Leave granted.
3. On 12th July, 2016, this Court passed the following order:-

"Permission to file special leave petition is granted. Delay condoned. Issue notice, returnable after three weeks. Mr. Arjun Garg, learned counsel, accepts notice on behalf of respondent No.1. It is pointed out that pursuant to the impugned judgment, the State of Uttar Pradesh has restored the financial and administrative powers in purported implementation of the judgment. But it is seen from the impugned judgment that the show cause notice itself has been quashed on the ground that before restraining the first respondent from exercising the financial and administrative powers, an opportunity for hearing was not granted. Therefore, pending the special leave petition, we direct the State of Uttar Pradesh to issue a fresh show cause notice and afford an opportunity for hearing as to why the first respondent should not be restrained from exercising the financial and administrative powers on account of the reasons stated in the show cause notice and pass fresh orders. The whole exercise shall be completed in one month from today. The petitioner is directed to communicate a copy of this order to the competent authority, who has issued the notice which has been impugned in the writ petition. It is also made clear that any steps taken by the first respondent pursuant to the permission now granted by the State of Uttar Pradesh will be subject to the result of the special leave petition and the orders to be passed by the State, as above. Post after one month."

4. Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of Respondent No.1 submits that pursuant to the above order, the respondent has been issued notice and reply has also been filed before the competent authority.

5. In the above circumstances, there is no point in keeping this matter pending. We, accordingly, dispose of the appeal with a direction to the competent authority to pass final orders in the matter after affording an opportunity of hearing to the appellant and Respondent NO.1. The same shall be done within a period of three weeks from today.

6. In that view of the matter, all contentions available to the parties are kept open.

7. Copy of the order passed by the competent authority shall be filed before this Court for perusal, within four weeks.

8. Pending applications, if any, stand disposed of.