

SUPREME COURT OF INDIA

Lunawat Construction Company, A Partnership Firm represented By its Partner Maniklal
Peerchand Lunawat

Vs.

Union of India

WP(Civil)No.96 of 2011

(Abhay Manohar Sapre and Dinesh Maheshwari,JJ.,)

16.04.2019

JUDGMENT

Abhay Manohar Sapre,J.,

1. By filing Writ Petition (c) No.96/2011 under Article 32 of the Constitution of India, the petitioner therein has challenged the constitutional validity of The Ancient Monuments And Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (Annexure P- 15).
2. In connected writ petition and the Transferred Case, the petitioners have claimed the similar reliefs, which are claimed in the lead Writ Petition No. 96/2011.
3. Having heard the learned counsel for the parties and on perusal of the record of the case, we deem it just and proper to send these writ petitions and the transferred case to the High Court of Bombay for their disposal on merits in accordance with law.
4. In our view, no prejudice is likely to cause to the parties, if these writ petitions and the transferred case are sent to the High Court for their hearing on merits of the controversy instead of deciding the issue by this Court in the first instance.
5. On the other hand, we are of the view that once the High Court renders its decision, this Court will have the benefit of the findings of the High Court, if occasion arises.
6. In view of the foregoing discussion, both the writ petitions and the transferred case (W.P.(c) No.96/2011, W.P.(c) No.36/2012 and T.C.(c) No.30/2010 are sent to the High Court for their disposal on merits in accordance with law. We request the High Court to decide the writ petitions expeditiously.