
(2000) 04 SC CK 0214

In the Supreme Court Of India

Case No : Civil Appeal No. 3084 of 2000

Chairman and Others

APPELLANT

Vs

Zila Panchayat and Others

RESPONDENT

Date of Decision : 28-04-2000

Acts Referred:

Uttar Pradesh Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961 — Section 256

Citation : (2000) 3 AWC 2498 : (2000) 7 JT 543

Hon'ble Judges : S. Rajendra Babu, J;S. N. Phukan, J

Bench : Division Bench

Final Decision : Allowed

Judgement

S. Rajendra Babu and S.N. Phukan, JJ.—Leave granted.

2. In a writ petition filed before the High Court while issuing notices to the parties, the High Court observed as follows:

In view of the fact that the matter is under consideration of the State Government u/s 256 of the U.P. Kshetriya Samitis and Zila Panchayat Adhiniyam, 1961, as averred in para 26 of the writ petition, it is provided that till further orders of this Court or till the decision taken by the State Government in reference u/s 256 of the Act, whichever is earlier, the impugned order dated 12.5.1999 as contained in Annexure 8 to the writ petition passed by the District Magistrate, Gautam Budh Nagar, shall remain stayed.

and put off the matter awaiting outcome of orders of Government.

3. The contention put forth before us is that the provisions of Section 256 of the Act are not attracted to the case at all and, therefore, the matter could not have been postponed in the manner in which the High Court has done it. Prima facie, there should have been a finding by the High Court whether the Appellants or the Zila Panchayats or the Kshetriya Panchayats are jointly interested in the matter in which the dispute has arisen and that needs to be referred to the Government.

It is not clear as at whose instance the dispute has been referred to the Government and whether the same has been disposed of by the Government now or not. In the circumstances, we set aside the order made by the High Court so far as this portion of the order is concerned and remit the matter back to the High Court for fresh consideration in accordance with law. However, it is open to the parties to raise all questions including the question relating to reference. The appeal is allowed accordingly.