
(1988) 05 AHC CK 0038

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1337 of 1987

Janhari Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 02-05-1988

Acts Referred:

Citation : (1988) 19 ECR 9

Hon'ble Judges : V.K. Khanna, J;Om Prakash, J

Bench : Division Bench

Judgement

Om Prakash, J.—The petitioner in this writ petition has sought for a writ of mandamus directing the respondents to release the seized ornaments weighing 386 grams on the basis of the orders passed by the Deputy Collector on 23rd February, 1985. It has been alleged in the writ petition that even though the appeal has been filed by the Department, no stay order has been passed within the knowledge of the petitioner.

2. At the admission stage the respondents filed a counter affidavit and have also produced a copy of the stay order passed by the Collector (Appeals). The aforesaid stay order clearly shows that the Collector (Appeals) has passed an ex parte stay order staying the operation of the order passed by the Deputy Collector (T). If that be so in view of the stay order granted by the Appellate Authority, in our opinion, the petitioner is no entitled to the relief sought for in this writ petition.

3. Learned Counsel for the petitioner has, however, urged that the appeals before the Appellate Authority are pending since 1985 and nearly 3 years have elapsed and the appeals have not been decided. On this question also, we have Heard Shri N.B. Singh, counsel appearing for the respondents. Looking to the entire facts and circumstances of the case, we are of the opinion that a certified copy of our order be filed by the petitioner before the Appellate Authority. The appellate authority will now try to decide the appeal within a period of two months from the date of the filing a certified copy in accordance with law.

4. Subject to the aforesaid observations the present writ petition is finally disposed of. A certified copy of this order shall be given to the learned Counsel for the parties on payment of usual charges within three days.