

(2010) 07 SC CK 0146

In the Supreme Court Of India

Case No : Civil Appeal No's. 6045 and 6046 of 2002

Musamiya Imam Haiderbux Rizvi

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 27-07-2010

Acts Referred:

Citation : (2010) 13 SCC 752

Hon'ble Judges : S. H. Kapadia, C.J; Swatanter Kumar, J; K. S. Panicker Radhakrishnan, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel on both sides.

2. Having considered the matter at length, we are of the view that Constitution (Sixty-sixth Amendment) Act, 1990, [for short, '1990 Act'] is not violative of the basic structure of the Constitution. In this connection, we have examined the test propounded by I.R. Coelho (Dead) By LRs. Vs. State of Tamil Nadu and Others, . Having regard to the tests laid down by that judgment, we uphold the constitutional validity of 1990 Act, insofar as it inserts Gujarat Devasthan Inams Abolition Act, 1969 [for short, '1969 Act'] and Gujarat Devasthan Inams Abolition (Amendment) Act, 1977, in the Ninth Schedule of the Constitution. Before concluding, we may mention that certain proceedings are pending before the Collector, Ahmedabad, which is the competent Authority under 1969 Act. The competent Authority [Collector] will decide expeditiously the pending claim of the appellant(s) on merits and in accordance with law. We express no opinion on the merits of the claim and on that aspect all contentions on both sides are kept open.

3. The civil appeals are, accordingly, disposed of.

4. No order as to costs.