

(1998) 11 AHC CK 0040
In the Allahabad High Court
Case No : C.M.W.P. No. 39071 of 1998

Ram Deo and another

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 25-11-1998

Acts Referred:

Constitution of India, 1950 — Article 123, 14

Citation : (1999) 2 AWC 1325 : (1999) RD 144

Hon'ble Judges : S.L. Saraf, J;M. Katju, J

Bench : Division Bench

Advocate : Ram Niwas Singh and V.K. Chnadel, for the Appellant;

Judgement

M. Katju and S. L. Saraf, JJ.—Heard learned counsel for the parties.

2. The petitioners have challenged the validity of Ordinance No. 4 of 1998, a copy of which is annexed as Annexure-1 to this writ petition. We have perused the said Ordinance and find no unconstitutionality in the same. It is alleged that there was no necessity to promulgate the said Ordinance. It is not for this Court to decide the necessity of the Ordinance. An Ordinance can be challenged only if it ""as passed in violation of some provision of Constitution. We do not find that any provision of the Constitution which has been violated by the said Ordinance. It is further alleged that the said Ordinance Is Illegal, without jurisdiction and discriminatory. We do not find it so. In our opinion there is no violation of Article 123. Thus, there is no force in this writ petition and the same stands dismissed. We uphold the validity of the said Ordinance, as well as the validity of the Act, which replaced the Ordinance.