

(2008) 08 AHC CK 0189
In the Allahabad High Court
Case No : Writ Petition No. 4392 (M/S) of 2007

Ravindra Kumar and others	Vs	APPELLANT
Board of Revenue and others		RESPONDENT

Date of Decision : 19-08-2008

Acts Referred:

General Clauses Act, 1897 — Section 6(e)

Citation : (2008) 08 AHC CK 0189

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Heard Counsel for the petitioner and the State Counsel.

2. Aggrieved by the order of Board of Revenue holding the revision to have become infructuous in view of the Repeal Act No. 38 of 2005, the writ petition has filed the instant writ petition inter alia on the ground that the Board of Revenue fell into error in not considering the effect of the provision contained in section 6 (e) of the General Clauses Act, 1897 saving the pending proceedings under the repealed Act.

3. In support of his contention, reliance has been placed on a decision of this Court rendered in Mohd. Talib and others v. Board of Revenue and others, 2007 (67) ALR 374.

4. State Counsel does not dispute the above proposition of law.

5. In the case of Mohammad Talib (supra) it has been clearly held that the revision could not have been dismissed as infructuous on the promulgation of Repealing Act and the matter ought to have been decided on merit by the Board of Revenue.

6. Accordingly, the writ petition is allowed in part. The order dated 10.5.2007 passed by the Board of Revenue is set aside and the Board of Revenue is directed to dispose of the revision on merit after giving due opportunity of hearing to the

parties concerned in accordance with law.