

(1984) 03 SC CK 0020

In the Supreme Court Of India

Case No : Civil Miscellaneous Petition No. 1853 Of 1983 In Civil Appeal No. 1721 Of 1984

State of Mysore

APPELLANT

Vs

Associate Cement Companies Ltd. and Another

RESPONDENT

Date of Decision : 15-03-1984

Acts Referred:

Citation : (1984) 1 SCALE 628 : (1984) SCC 430 Supp : (1984) 1 SCC 430
Supp : (1984) 16 UJ 439

Hon'ble Judges : Ranganath Misra, J;D. A. Desai, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Special leave granted.

2. This appeal is preferred by the State of Mysore against the judgment of the High Court of Mysore at Bangalore in Writ Petition No. 2781/70 by which a Division Bench of the High Court declared Rule 71 of the Hyderabad Land Revenue Rules ultra vires following their earlier decision in Rajashekar Vs. State of Mysore and Others, . Number of appeals were preferred against that decision of the High Court and they were heard by this Court and the judgment is rendered in State of Mysore etc. v M.L. Nagade and Gadag and Ors. This Court set aside the judgment of the High Court and upheld the validity of Rule 71. Accordingly, this appeal is allowed and the decision of the High Court on this point is set aside.

3. Mr. G.S. Ullah, learned Counsel for the respondents submitted that there were some other points which could have been agitated either before the High Court or before the Board of Revenue. If there are some points which still survive after the decision of this Court, the respondents are at liberty to agitate them before an appropriate forum. Accordingly, the appeal is allowed and the judgment of the High Court is set aside with no order as to costs.