

(2011) 02 SC CK 0127

In the Supreme Court Of India

Case No : Civil Appeal No"s. 1611-1612 of 2011 (Arising out of SLP (C) No"s. 18721-18722 of 2010

State of U.P. and Others

APPELLANT

Vs

Narender Pal Singh

RESPONDENT

Date of Decision : 11-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 2 AWC 1900

Hon'ble Judges : G. S. Singhvi, J;Asok Kumar Ganguly, J

Bench : Division Bench

Advocate : Ravi Prakash Mehrotra, Mukesh Verma and Vibhu Tiwari, for the Appellant; B.L. Chawla, Satyapal Khushal Chand Pasi and K.V. Mohan, for the Respondent

Final Decision : Allowed

Judgement

1. Delay condoned.

2. Leave granted.

3. These appeals are directed against order dated 23.2.2007 passed by the learned Single Judge of the Allahabad High Court in Civil Miscellaneous Writ Petition No. 1395 of 2006 and order dated 1.7.2008 passed by the Division Bench of the High Court in Special Appeal No. 500 of 2008.

4. A perusal of the record shows that on being declared successful in the lottery organised on 26.3.2002, the Respondent was granted licence for sale of country liquor in Kanpur Dehat for the year 2002-2003. Due to non lifting of the minimum guaranteed quota of liquor, notice dated 11.7.2003 was issued to the Respondent to show cause as to why a sum of Rs. 18,73,794/-may not be recovered from him as arrears of land revenue. The appeal and revision filed by the Respondent against the said demand were dismissed by the Excise Commissioner and the State Government respectively.

5. The Respondent challenged the demand and the orders passed by the appellate and revisional authorities by filing writ petition under Article 226 of the Constitution. The learned Single Judge quashed the demand by relying upon the orders passed in Civil Miscellaneous Writ Petition No. 1132 of 2004 Rajendra Singh Chauhan v. State of U.P. and Ors. and Civil Miscellaneous Writ Petition No. 31 of 2006-Anil Kumar and Ors. v. State of U.P. and Ors. The special appeal filed by the Appellants was dismissed as not maintainable.

6. We have heard learned Counsel for the parties. A reading of the order passed by the High Court in Civil Miscellaneous Writ Petition No. 31 of 2006 Anil Kumar and Ors. v. State of U.P. and Ors. shows that it is based on the orders passed in Rajendra Singh Chauhan's case and Indira Devi's case.

7. It is not in dispute that the judgment of the High Court in Indira Devi's case (supra) and other similar other matters were set aside by this Court in Civil Appeal No. 2161 of 2007 State of U.P. and Ors. v. Indira Devi and connected appeals decided on 21.10.2009.

8. In view of the above, the appeals are allowed, order dated 23.2.2007 is set aside and the case is remitted to the High Court for fresh disposal of the writ petition filed by the Respondent. The parties may, if so advised, file additional affidavits along with relevant documents within a period of eight weeks from today.

9. Since the matters relate to recovery of the public dues, we consider it proper to request the High Court to make an endeavour to dispose of the writ petitions, as early as possible, but latest within a maximum period of six months from the date of receipt/production of a copy of this order.