

(2009) 01 SC CK 0010

In the Supreme Court Of India

Case No : Civil Appeal No. 454 of 2009 (Arising out of S.L.P. (C) No. 16552 of 2007)

Tayyab Ali and Another

APPELLANT

Vs

State of Uttar Pradesh and Another

RESPONDENT

Date of Decision : 27-01-2009

Acts Referred:

Citation : (2009) 01 SC CK 0010

Hon'ble Judges : G. S. Singhvi, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.
2. Heard learned Counsel for the parties.
3. The Tehsildar, Ghaziabad, by his order dated 30th March, 1999, cancelled the caste certificates issued in favour of the appellants. That order was challenged by the appellants by filing writ petition in the High Court mainly on the ground of violation of the rules of natural justice by alleging that their caste certificates were cancelled without issuing notice and affording them opportunity of hearing. They also made a specific prayer for quashing order dated 30th March, 1999. Although the respondent did not controvert the assertions contained in the writ petition, the High Court dismissed the writ petition by observing that the petitioners did not challenge order dated 30th March, 1999 despite the fact that copy thereof was supplied to them pursuant to the direction given by it. In our view, the High Court committed serious error in dismissing the writ petition without going into the question of violation of the rules of natural justice.
4. Accordingly, the appeal is allowed, impugned order passed by the High Court is set aside and order dated 30th March, 1999 passed by the Tehsildar cancelling the caste certificates of the appellants is quashed.

5. Needless to say that this order shall not preclude the Tehsildar from passing a fresh order after giving opportunity of hearing to the appellants.