

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1231 OF 2017
[ARISING FROM SPECIAL LEAVE PETITION (C) NO.18817 OF 2013]

STATE OF U.P.

APPELLANT(S)

VERSUS

AYODHYA PRASAD PAL & ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. Heard the counsel on both the sides.

3. The State of U.P. is aggrieved, since it did not get an opportunity before the High Court to file their counter affidavit and argue their case.

4. On going through the judgment, it is seen that the State was impleaded only for the sake of completing the procedural formality at the time of passing the final order. However, certain directions were issued to the State in the impugned order.

5. In the nature of order we propose to pass, it may not be proper for us to go into the merits, since we intend to remit the matter to the High Court.

6. The impugned order is hence set aside, the appellant herein is impleaded as additional respondent before the High Court. The appellant is given a period of one month to file counter affidavit, if any, before the High Court and two weeks thereafter for the writ petitioner to file the rejoinder affidavit, if any.

7. Thereafter, we request the High Court to dispose of the matter on merits.

8. The appeal is allowed to the extent indicated above.

9. Pending application(s), if any, shall stand disposed of.

10. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 30, 2017.



JUDGMENT