

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).31504/2017

(Arising out of impugned final judgment and order dated 07-11-2017 in CMWP No.47857/2017 passed by the High Court Of Judicature At Allahabad)

MUMTAZ ALI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.122080/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.122082/2017-EXEMPTION FROM FILING O.T.)

Date : 21-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Ms. Kamini Jaiswal, Adv. [AOR]
Mr. Akhilesh Kalra, Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Raj Keshari, Adv.
Ms. Rani Mishra, Adv.

For Respondent(s) --

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the petitioner. It is her submission that under Section 15(13) of the Uttar Pradesh (Kshettra Panchayats and Zila Panchyats) Adhiniyam, 1961 Motion of No Confidence for Pramukh could not have been called regard being had to the language employed in the said sub-section. Section 15(13) reads as follows :

"15(13) No notice of a motion under this section shall be received within [two years] of the assumption of office by a Pramukh or [xxx] as the case may be."

On a scrutiny of the judgment of the High Court and the grounds in the writ petition, we do not find such a ground was ever taken. Be that as it may, we permit the learned counsel to take such a ground before the High Court and file an application for review within two weeks hence. If such an application for review is filed, the same shall be dealt with on merits squarely meeting the issue raised and decide the review. We would request the High Court to dispose of the review petition on merits instead of throwing it at the threshold on the ground of limitation. That apart, we also grant liberty to the petitioner to challenge the main order as well as the order passed in review petition if he becomes unsuccessful in the review petition.

The Special Leave Petition stands disposed of accordingly.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar