

PETITIONER:
EXPRESS NEWSPAPERS LTD.

Vs.

RESPONDENT:
THE STATE OF MADRAS

DATE OF JUDGMENT 19/02/1981

BENCH:
KOSHAL, A.D.
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KOSHAL, A.D.
MISRA, R.B. (J)

CITATION:
1981 AIR 968 1981 SCR (2) 948
1981 SCC (2) 479 1981 SCALE (1) 390

ACT:

Constitution of India-Article 133(1)(a) and (c) (before amendment)-Certificate issued, not in conformity with law-Supreme Court, if could revoke the certificate-Special leave, if could be granted after revoking the certificate.

HEADNOTE:

1. If the certificate granted by the Court under sub-clauses (a) and (c) of clause (1) of Article 133 of the Constitution, as it then stood, did not conform to legal requirements in as much as it did not specify the substantial question of law which, according to High Court, required determination and no reasons in respect of issuance of the certificate appeared therein, the certificate could be revoked. [948 H]

Sohan Lal Naraindas v. Laxmidas Raghunath Gadit [1971] 1 S.C.C. 276; Sardar Bahadur S. Indra Singh Trust v. Commissioner of Income Tax, Bengal [1972] 1 S.C.R. 392 followed.

2. In such a situation if it could be made out that a substantial question of law really required determination, this Court could treat the appeal as one by special leave after condoning the delay. In the instant case no such question is involved at all and, therefore, special leave cannot be granted. [949 B-C]

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 322 of 1970.

From the Judgment and Decree dated 25-3-1969 of the Madras High Court in Appeal No. 1195 of 1970.

U.R. Lalit, P.H. Parekh and Miss Manik Tarkunde for the Appellant.

The Judgment of the Court was delivered by

KOSHAL J. A preliminary objection has been raised by Mr. Rangam to the effect that the certificate granted by the court under sub-clauses (a) and (c) of clause (1) of Article 133 of the Constitution of India, as it then stood, does not conform to legal requirements in as much as-

(a) it does not specify the substantial question

- of law which the High Court states require determination; and
- (b) no reasons in support of the issuance of the certificate appear therein.

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The preliminary objection is well founded in view of the decisions of this Court in Sohan Lal Naraindas v. Laxmidas Raghunath Gadit and in Sardar Bahadur S. Indra Singh Trust v. Commissioner of Income Tax, Bengal.

Faced with this situation Mr. Lalit wanted us to treat the appeal as one by special leave and prayed that such leave be granted now after condoning the delay. That would have been certainly a reasonable course to follow if it was made out that a substantial question of law really requires determination. We have gone through the impugned judgment and find that no such question is involved at all. We, therefore, refuse special leave, revoke the certificate granted by the High Court and dismiss the appeal but with no order as to costs.

P.B.R.

Appeal dismissed.

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