

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3327 OF 2008
[Arising out of SLP(C)No.13891/2007]

STATE OF MAHARASHTRA & ORS.

.....APPELLANT(S)

Versus

M/S. BOMBAY WIRE ROPES LTD. & ANR.

.....RESPONDENT(S)

WITH CIVIL APPEAL NO. 3328 OF 2008
(Arising out of SLP(C) No.13892/2007)

ORDER

Leave granted.

In these appeals, limited notice was issued on 3/8/2007 as to why the impugned order passed by the High Court be not set aside and the matter may not be remitted to the High Court for fresh decision in accordance with law after hearing the parties.

We passed the aforesaid order because of the fact that the matter had been disposed of by the High Court without calling for any counter affidavit on behalf of the appellant.

The impugned order of the High Court is, accordingly, set aside. The matter is remanded to the High Court to dispose of the issues after considering the counter filed by

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the appellant. Writ Petition No.2125/2007 is restored to the file of the High Court. Appellant shall file counter affidavit within four weeks from today. Rejoinder affidavit to be filed within two weeks thereafter. We request the High Court to dispose of the writ petition within three months after the filing of the counter and rejoinder affidavits. All the contentions are open to the parties before the High Court.

Maharashtra Housing & Area Development Authority (MHADA) shall be impleaded as a party-respondent in the Writ Petition. The MHADA may also file their counter affidavit within four weeks.

The appeals are allowed in the above terms.

.....J.
(H.K. SEMA)

New Delhi;
May 05, 2008.

.....J.
(MARKANDEY KATJU)