

CASE NO.:
Appeal (civil) 2028 of 2008

PETITIONER:
BOC India Limited

RESPONDENT:
State of Jharkhand & Others

DATE OF JUDGMENT: 14/03/2008

BENCH:
ASHOK BHAN & DALVEER BHANDARI

JUDGMENT:
JUDGMENT

O R D E R
CIVIL APPEAL NO.2028 OF 2008
(Arising out of SLP(C) No. 21402/2007)

Leave granted.

The Single Judge as well as the Division Bench of the High Court have dismissed the writ petition by observing that the disputed questions of fact are involved which cannot be decided in a writ petition. We do not subscribe to the view taken by the High Court.

In the present case, there is hardly any question of disputed fact. Facts are evident from the documents already put on record. No oral evidence is to be led. The High Court in the facts and circumstances of the case should have decided the writ petition on merits.

Since this matter is a tender matter, we would request the Hon'ble Chief Justice to post the writ petition before a Single Judge for hearing immediately and we would also request the Single Judge to decide the writ petition as expeditiously as possible, preferably within a period of three months from the posting of the case before him.

The Appeal is allowed in the above terms.