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| <b>NON<br/>REPORTABLE</b> |
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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO. 4775 OF 2009**

(Arising out of SLP©No.13700 of 2008)

Public Health & Engineering  
Department & Anr.

....Appellants

**VERSUS**

Rajendra Singh

...Respondent

**J U D G M E N T**

**TARUN CHATTERJEE, J.**

1. Delay condoned.
2. Leave granted.
3. This special leave petition, in which leave has already been granted, has been filed against the final judgment and order dated 2<sup>nd</sup> of March, 2005 in Writ Petition © No.683 of 2002 by the High Court of Madhya Pradesh Bench at Indore.
4. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005, the learned counsel for the appellants

submitted that permission may be granted to the appellants to withdraw the present petition and to pursue his remedy by way of Letters Patent Appeal (LPA).

5. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005, which confers power on the High Court to entertain the LPA against an order of the learned Single Judge, we set aside the impugned order and grant liberty to the appellants to file an LPA before the Division Bench of the High Court with an application for condonation which shall be allowed by the Division Bench of the High Court. The High Court shall thereafter decide the LPA after hearing the parties in accordance with law.
6. The appeal is disposed of accordingly.

.....J.  
[Tarun Chatterjee]

New Delhi;  
July 28, 2009.

.....J.  
[R.M.Lodha]