

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6045 OF 2002

Musamiya Imam Haiderbux Rizvi

...Appellant(s)

Versus

State of Gujarat and Anr.

...Respondent(s)

With Civil Appeal No.6046 of 2002

O R D E R

Heard learned counsel on both sides.

Having considered the matter at length, we are of the view that Constitution (Sixty-sixth Amendment) Act, 1990, [for short, '1990 Act'] is not violative of the basic structure of the Constitution. In this connection, we have examined the test propounded by I.R. Coelho (Dead) by Lrs. vs. State of Tamil Nadu, reported in 2007 (2) SCC 1. Having regard to the tests laid down by that judgment, we uphold the constitutional validity of 1990 Act, insofar as it inserts Gujarat Devasthan Inams Abolition Act, 1969 [for short, '1969 Act'] and Gujarat Devasthan Inams Abolition (Amendment) Act, 1977, in the Ninth Schedule of the Constitution. Before concluding, we may mention that certain proceedings are pending before the Collector, Ahmedabad, which is the competent Authority under 1969 Act. The competent Authority

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[Collector] will decide expeditiously the pending claim of the appellant(s) on merits and in accordance with law. We express no opinion on the merits of the claim and on that aspect all contentions on both sides are kept open.

The civil appeals are, accordingly, disposed of.

No order as to costs.

.....CJI.
[S.H. KAPADIA]

.....J.
[K.S. RADHAKRISHNAN]

.....J.
[SWATANTER KUMAR]

New Delhi,
July 27, 2010.



JUDGMENT