

Topic: Right Of Hearing And Article 14

Name of the case: State of Maharashtra v. Kamal, AIR 1985 SC 119

Bench: Chief Justice Y.V. Chandrachud, Justice Syed Murtuza Fazalali, Justice V.D. Tulzapurkar, Justice O. Chinnappa Reddy, justice A. Varadarajan

Fact of the case: The Maharashtra Legislature elected an act to provide for summary eviction of persons unauthorized and occupying vacant lands in urban areas. The act gave power to an authorized authority to order vacation of any land by its occupier.

Ratio: The Supreme Court declared the Act invalid under Article 14 on the ground that it laid down new guidelines to control the exercise of discretion by the concerned authority. The Act prescribed no procedure for concerned authority to follow before declaring any land as 'vacant land' for the purpose of the act. The Supreme Court emphasized that the act conferred 'uncontrolled and arbitrary power' on the authority and, therefore, in the matter covered by the act, a hearing procedure was of essence of the matter.