

State Of Mysore vs Associate Cement Companies Ltd. And ... on 15 March, 1984

Equivalent citations: 1984SUPP(1)SCC430, 1984(16)UJ439(SC), AIR ONLINE 1984 SC 12, 1984 UJ(SC) 439.1

Bench: D.A. Desai, Ranganath Misra

ORDER

1. Special leave granted.

2. This appeal is preferred by the State of Mysore against the judgment of the High Court of Mysore at Bangalore in Writ Petition No. 2781/70 by which a Division Bench of the High Court declared Rule 71 of the Hyderabad Land Revenue Rules ultra vires following their earlier decision in Rajshekar v. State of Mysore AIR 1966, Mysore 304. Number of appeals were preferred against that decision of the High Court and they were heard by this Court and the judgment is rendered in State of Mysore etc. v M.L. Nagade and Gadag and Ors. AIR 1983 S.C. 762. This Court set aside the judgment of the High Court and upheld the validity of Rule 71. Accordingly, this appeal is allowed and the decision of the High Court on this point is set aside.

3. Mr. G.S. Ullah, learned Counsel for the respondents submitted that there were some other points which could have been agitated either before the High Court or before the Board of Revenue. If there are some points which still survive after the decision of this Court, the respondents are at liberty to agitate them before an appropriate forum. Accordingly, the appeal is allowed and the judgment of the High Court is set aside with no order as to costs.