

Supreme Court of India

State Of West Bengal vs Laxmi Churn Law And Others on 11 March, 1988

Equivalent citations: AIR 1988 SC 2114, JT 1988 (1) SC 599, 1988 Supp (1) SCC 575

Bench: M Thakkar, N Ojha

ORDER

1. This appeal does not involve any question of principle or interpretation of any provision of law. Before the High Court the debate centered on the question of fact as to whether or not the donation of Rupees one lakh made in 1966 carried with it an obligation as contended by the respondent (original Writ Petitioner). The donation was made to a trust known as Calcutta National Medical Institute which was a Society registered under the Societies Registration Act. This Institute was taken over by the State Government in 1967 under the Calcutta National Medical College and Hospital Act, 1967 which inter alia provided that all deeds of gift shall be construed as if they were executed in favour of the State Government. One of the questions argued before the High Court was whether the High Court should interfere in exercise of its powers under Article 226 of the Constitution. The High Court relying on observations made by this Court in *Babubhai Muljibhai Patel v. Nandlal Khodidas Barot* has taken the view that there was justification for entertaining the petition under Article 226 of the Constitution. The only other point which was raised before the High Court was as regards the claim of the Writ Petitioner that there was such an obligation annexed to the gift. Dr. M.N. Sarkar, respondent No. 4 in the Writ Petition before the High Court had filed an affidavit and the High Court accepted the statements contained therein as true. On these premises the High Court has issued the direction in the Writ Petition which has given rise to the appropriate present appeal by special leave. We do not think that we should reassess the evidentiary value of the affidavit filed by Mr. Sarkar who was at the material time holding the post of Secretary and Convener of the governing body of the Calcutta National Medical Institute to which the initial donation of Rupees one lakh was made in 1966. Having regard to the facts and circumstances of the case, we do not consider it necessary to examine the question as to whether or not the High Court should have entertained the Writ Petition under Article 226 of the Constitution of India elaborately. The appeal therefore, fails and is dismissed. There will be no order as to costs.