

(2019) 04 SC CK 0069

Supreme Court Of India

Case No: Writ Petition (Civil) No.96 Of 2011, 36 Of 2012, Transferred Case (Civil) No. 30 Of 2010

Lunawat Construction
Company, A
Partnership Firm
Represented By Its
Partner Maniklal
Peerchand Lunawat

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision: April 16, 2019

Acts Referred:

- Constitution Of India, 1950 - Article 32

Citation: (2019) 5 SCC 467 : (2019) 6 Scale 474 : (2019) 4 Supreme 717

Hon'ble Judges: Abhay Manohar Sapre, J; Dinesh Maheshwari, J

Bench: Division Bench

Advocate: Vinay Navare, Gwen Karthika, Abha R. Sharma, V.D. Khanna, Ashish Wad, Jayashree Wad, Sidharth Mahajan, Sukriti Jaggi, Annam D.N. Rao, A.Venkatesh, Rahul Mishra

Judgement

Abhay Manohar Sapre, J

1. By filing Writ Petition (c) No.96/2011 under Article 32 of the Constitution of India, the petitioner therein has challenged the constitutional validity of

The Ancient Monuments And Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (Annexure PÃ,â€œ 15).

2. In connected writ petition and the Transferred Case, the petitioners have claimed the similar reliefs, which are claimed in the lead Writ Petition No.

96/2011.

3. Having heard the learned counsel for the parties and on perusal of the record of the case, we deem it just and proper to send these writ petitions

and the transferred case to the High Court of Bombay for their disposal on merits in accordance with law.

4. In our view, no prejudice is likely to cause to the parties, if these writ petitions and the transferred case are sent to the High Court for their hearing

on merits of the controversy instead of deciding the issue by this Court in the first instance.

5. On the other hand, we are of the view that once the High Court renders its decision, this Court will have the benefit of the findings of the High

Court, if occasion arises.

6. In view of the foregoing discussion, both the writ petitions and the transferred case (W.P.(c) No.96/2011, W.P.(c) No.36/2012 and T.C.(c)

No.30/2010 are sent to the High Court for their disposal on merits in accordance with law. We request the High Court to decide the writ petitions

expeditiously.