

VERDICTUM.IN

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).

@ SLP(C) NO. 10302/2024

BRAJENDRA SINGH CHAUHAN & ORS.

APPELLANT(S)

VERSUS

GIRIDHAR ARAMANE & ANR.

RESPONDENT(S)

O R D E R

1. We find that in view of the judgment of this Court in Midnapore Peoples' Coop. Bank Ltd. and Others v. Chunilal Nanda and Others, reported in (2006) 5 SCC 399, an order holding that the respondents are not guilty of contempt was not an appealable order.

2. In view of the law laid down by this Court, the only remedy and that too in exceptional cases to a person aggrieved by the order of the tribunal was to challenge the same by way of writ petition under Article 226 of the Constitution of India before the High Court.

3. In view of the law laid down by the Constitution Bench of this Court in the case of L. Chandra Kumar v. Union of India, (1997) 3 SCC 261, since the administrative tribunal is a tribunal subordinate to the High Court in its territorial jurisdiction, the High Court ought to have exercised its jurisdiction under Article 226 of the Constitution of India.

4. On this ground alone, the impugned order is quashed and set aside and the matter is remitted back to the High Court for considering the writ petition of the appellant herein in accordance with law. The appeal is, accordingly, allowed.

5. Taking into consideration that the appellant has been litigating for considerable period, we request the High Court to decide the writ petition expeditiously, preferably within six months.

VERDICTUM.IN

6. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

**NEW DELHI;
DECEMBER 02, 2024**

ITEM NO.58

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10302/2024

[Arising out of impugned final judgment and order dated 22-03-2024 in WRIT-A No. 602/2024 passed by the High Court of Judicature at Allahabad]

BRAJENDRA SINGH CHAUHAN & ORS.

Petitioner(s)

VERSUS

GIRIDHAR ARAMANE & ANR.

Respondent(s)

Date : 02-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. P B Suresh, Sr. Adv.
Ms. Parul Shukla, AOR
Ms. Shubhangi Pandey, Adv.
Mr. Saday Mondol, Adv.
Mr. Aman, Adv.

For Respondent(s)

Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Jagdish Chandra Solanki, Adv.
Ms. Shivika Mehra, Adv.
Mr. Madhav Sinhal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER

(Signed order is placed on the file)