

A

STATE OF BIHAR AND ORS.

v.

TATA ENGINEERING AND LOCO.CO. LTD. AND ANR.

SEPTEMBER 8, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Constitution of India, 1950 : Article 136 Appeal—Disposal—Clarification of.

C

In this appeal the mining lease had already expired by efflux of time. In view of the fact that civil appeal No. 3996 of 1987 has been dismissed as withdrawn the controversy does not survive for decision in this case.

Disposing the appeal, this Court

D

HELD : The judgment of the High Court would not be construed to stand in the way of the appellant-State to grant mining leases in accordance with law and it would not form a precedent. [445-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8374 of 1995.

E

From the Judgment and Order dated 19.3.86 of the Patna High Court in C.W.J.C. No. 968 of 1984 (R)1.

B.M. Naik and Mr. M.P. Jha for the Appellants.

F

R.F. Nariman, J.B. Dadachanji and S. Sukumaran for the Respondents.

The following Order of the Court was delivered :

Leave granted.

G

Heard the counsel on both sides. Since the mining lease had already expired by efflux of time, we dispose of the appeal by stating as below :

One M/s. Douglas Dias had approached this Court by way of appeal, viz., C.A. No. 3996/87. Since it has been dismissed as withdrawn by this Court's order dated 25th January, 1993, the controversy does not survive

H

for decision in this case, except that the impugned decision may be construed to stand in the way of the State to consider similar case differently in future. In fact in the application for condonation of delay, in filing this appeal, it was stated in paragraph 2, thus :

"Initially there was a decision taken that the petitioner should only file a counter affidavit to the special leave petition No. 6337 of 1986, filed by the respondent no. 2 herein, M/s. Douglas Dias, in the Supreme Court, but without there being a proper appreciation and perusal of the judgment done by the department they came to know that it may subsequently affect the rights of the petitioners, while granting any mining lease to any party. Ultimately, it was decided in the month of November, 1986, to file a special leave petition herein the Supreme Court and now the petitioners are filing a petition for special leave here in the Supreme Court."

It is made clear that the judgment of the High Court would not be construed to stand in the way of the appellant to grant mining leases in accordance with law and it would not form a precedent.

The appeal is accordingly disposed of. No costs.

T.N.A.

Appeal disposed of.