

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2405 OF 2016
(ARISING OUT OF SLP(C) NO. 6342/2016)
(@ SLP(c).....CC 3551/2016)

Anubhav Kumar Choudhary & Ors.

Appellant(s)

VERSUS

Union of India & Ors.

Respondent(s)

JUDGMENT

Abhay Manohar Sapre, J.

1) Delay in filing special leave petition is condoned. Leave granted.

2) This appeal is filed against the final judgment and order dated 08.04.2015 of the High Court of Judicature at Patna in CWJC No. 5402 of 2015 whereby the High Court while

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DEEPAK MANSUKHANI
Date: 2016.03.02
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Reason:

disposing of the appellant's writ petition granted liberty to file

representation to the National Thermal Power Corporation

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(NTPC) but at the same time passed an order that the appellants will have no liberty to move the High Court again for the same cause of action raised therein.

3) We have heard learned counsel for the appellant and have perused the record of the case.

4) Having heard learned counsel for the appellant, we are inclined to dispose of this appeal after granting leave at the admission stage itself as we are of the view that the same can be disposed of without notice to the other side.

5) In the light of the order that we have passed, it is neither necessary to set out the facts of the case in detail and as

mentioned above nor necessary to issue notice of this appeal to the other side.

6) The impugned order passed by the High Court reads as under:

"After some arguments, learned counsel for the petitioners seeks permission to withdraw this application in order to enable the petitioners to file representation before the competent authority of the National Thermal Power Corporation (NTPC). While this Court would accord such leave to the petitioner but it is made clear that the petitioners will have now no liberty to move this Court again for the same cause of action raised herein."

7) The only grievance of learned counsel for the appellant is that the High Court having rightly granted liberty to the

appellant to file the representation for ventilating his grievance before the NTPC erred in taking away his right to prosecute his grievance, if occasion arises in future depending upon the outcome of his representation. It is his submission that the appellant has every right to take recourse to all legal remedies as are available to him in law in the event any adverse order is passed on his representation or when no orders are passed on his representation once made. We find force in this submission.

8) In our considered view, the High Court having rightly granted indulgence to the appellant to file the representation to the NTPC for ventilating his grievance, should have also granted liberty to the appellant to take recourse to all legal remedies to challenge the decision once taken on his representation, if occasion so arises.

9) A right to prosecute the legal remedy in the court of law to challenge any decision of the State or/and its agency is a valuable legal right of the citizen and the High Court could not take away such right from the appellant without assigning any reason. There is apparently no justifiable reason to deny the appellant from taking recourse to the legal remedies to

For Petitioner(s) Mr. Manu Shanker Mishra, Adv.
Mr. Nishant Kumar, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeal is allowed in part in terms of the
signed reportable judgment.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Signed reportable judgment is placed on the file)