

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 5549 OF 2008
(Arising out of SLP (C) No. 1295 of 2008)

Charanjit Singh

....Appellant

Versus

State of J&K Through Commissioner/
Secretary to J& K Food & Supplies
Department, Srinagar & Ors.

...Respondents

ORDER

1. Delay condoned.
2. Leave granted.
3. This appeal is directed against the impugned order dated 26th of May, 2005 passed in LPA (SW) No. 52/2005 and order dated 10th of August, 2007 in APLPA (OW) No. 50/2005 passed by the High Court of Jammu & Kashmir at Jammu by which the order of the learned Single Judge was set aside and the Writ Petition was dismissed.

4. In our view, this appeal can be decided on a short point. Admittedly, the learned Single Judge allowed the Writ Petition and passed an order in favour of the appellant before us. In appeal, the Division Bench of the High Court reversed the order without giving any notice to the appellant or without giving any opportunity to the appellant to be heard. In that view of the matter, we set aside the impugned order and remit the matter back to the Division Bench of the High Court to decide the same afresh in accordance with law at an early date preferably within three months from the date of communication of this order.

5. The appeal is allowed to the extent indicated above. There shall be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
September 08, 2008.

.....J.
[Aftab Alam]