

Ram Deo and Another Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Nov-25-1998

Reported in : 1999(2)AWC1325

Judge : M. Katju and ;S.L. Saraf, JJ.

Acts : [Constitution of India](#) - Sections 14 and 123

Appeal No. : C.M.W.P. No. 39071 of 1998

Appellant : Ram Deo and Another

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Ram Niwas Singh and ;V.K. Chnadel, Adv.

Judgement :

M. Katju and S. L. Saraf, JJ.

1. Heard learned counsel for the parties.

2. The petitioners have challenged the validity of Ordinance No. 4 of 1998, a copy of which is annexed as Annexure-1 to this writ petition. We have perused the said Ordinance and find no unconstitutionality in the same. It is alleged that there was no necessity to promulgate the said Ordinance. It is not for this Court to decide the

necessity of the Ordinance. An Ordinance can be challenged only if it "as passed in violation of some provision of Constitution. We do not find that any provision of the Constitution which has been violated by the said Ordinance. It is further alleged that the said Ordinance is illegal, without jurisdiction and discriminatory. We do not find it so. In our opinion there is no violation of Article 123. Thus, there is no force in this writ petition and the same stands dismissed. We uphold the validity of the said Ordinance, as well as the validity of the Act, which replaced the Ordinance.

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