

v
SLP(C)No. 3990 OF 2004

ITEM No.205

Court No. 4

SECTION XVIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.3990/2004

(From the judgement and order dated 17/12/2003 in CMP 1440/03

of The HIGH COURT OF J & K AT JAMMU)

BUDGAM COOP. HOUSE BLD. SOCIETY & ORS.

Petitioner (s)

VERSUS

PEOPLE'S ACTION & PUBLIC ACCOUNT.& ORS.

Respondent (s)

(With prayer for interim relief)

IA No.9-appln. For bringing on record the addl. Facts and documents)

(With office report)

(For Final Disposal)

Date : 09/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Sudhir Kumar Gupta,Adv.

Ms. Tasneem Ahmadi,Adv.

Mr. Anurag Pandey,Adv.

Mr. S.Dwivedi,Adv.

Mr. Rajesh Rai,Adv.

Mr.Anil Nag,Adv.

For Respondent (s) Mr. T.S.Doabia,Sr.Adv.

Mr. Shresht Sharma,Adv.

Mr. P.D. Sharma,Adv.

For R.1 Ms. Aparna Bhat,Adv.

Mr. P.Ramesh Kumar,Adv.

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UPON hearing counsel the Court made the following

O R D E R

This special leave petition has been filed from an interim order passed by the High Court by which it had directed the senior Superintendent of Police, crime and Railways, Jammu, to register formal FIRs against the petitioners on the basis of certain allegations against certain cooperative societies contained in a public interest litigation. The petitioners say that some of the petitioners were not even parties to the petition. It is also submitted that the impugned order was passed without giving any opportunity to the petitioners of being heard. Learned counsel appearing on behalf of the respondents, however, states that some of the petitioners were, in fact, represented before the High Court. Without deciding this dispute we are of the v

view that the High Court should decide the question relating to the filing of the FIR as directed by it after hearing of the parties who have not been heard and were likely to be effected by the said order. We had granted stay of the operation of the High Court's order on 22nd March 2004. That interim order will continue for a further period of two weeks provided:

- (i) the petitioners before us file an application before the High Court for the purpose of continuation of the interim order beyond the period of two weeks;
- (ii) the petitioner's application is not earlier taken up and decided by the High Court.

It is being made clear that the interim order may be continued by the High Court if it so thinks fit.

The High Court is requested to dispose of the main matter as expeditiously as is conveniently possible.

The SLP is disposed of.

[SUMAN WADHWA][MADHU SAXENA)
COURT MASTER COURT MASTER