

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10609/2023

(Arising out of impugned final judgment and order dated 06-03-2023 in WP No. 2763/2023 passed by the High Court Of Karnataka at Bengaluru)

T. SUDHAKAR PAI & ORS.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.55156/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.55154/2023-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 29-03-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMARFor Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Gopal Sankaranaryana, Sr. Adv.
Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Sharavan Madhav K P, Adv.
Mr. Sohan Patil, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Aditi Gupta, Adv.
Ms. Gulshan Jahan, Adv.For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Pinaki Mishra, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Ms. Megha Mehta Agarwal, Adv.
Mr. Anrudh Bhatia, Adv.
Mr. Sameer Rohatgi, Adv.
Mr. Dharmendar Singh, Adv.
Mr. Nidhi Ram Sharma, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. E. C. Agrawala, AORUPON hearing the counsel the Court made the following
O R D E R

Permission to file SLP without Certified/Plain copy of

Impugned Order is granted.

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Having heard Shri Siddhartha Dave, learned Senior Advocate appearing with Gopal Sankaranaryana, learned Senior Advocate appearing on behalf of the petitioners and Dr. A.M. Singhvi, learned Senior Advocate and Shri Pinaki Mishra, learned Senior Advocate appearing on behalf of the respective respondents and having gone through the impugned judgment and order passed by the High Court, we see no reason to interfere with the same. In fact, the Division Bench of the High Court is absolutely justified in observing that the petitioners ought not to have and/or should not have filed the writ petition before the learned Single Judge and the appropriate remedy available to the petitioners would have been to file an appeal and/or appropriate application in the pending COMAP No.404/2022. At this stage, it is required to be noted that, as such, thereafter the petitioners have already filed an appropriate I.A. in the pending COMAP No.404/2022. Under the circumstances, the present Special Leave Petition deserves to be dismissed and is accordingly dismissed with a token cost of Rs.1,00,000/-. The cost to be deposited by the petitioners with the Registry of this Court on or before 15.04.2023. On such deposit, the Registry is directed to transfer Rs.50,000/- to the Supreme Court Legal Services Committee and Rs.50,000/- to the Mediation and Conciliation Project Committee (MCPC), Supreme Court of India.

In the facts and circumstances of the case and with the consent of learned counsel appearing on behalf of the respective parties, we request the Division Bench of the High Court to finally decide and dispose of COMAP No.404/2022 at the earliest and

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if for any reason, the Division Bench of the High Court is not in a position to finally dispose of COMAP No.404/2022 at the earliest and preferably within a period of six months from today, the I.A. filed by the petitioners be considered and decided and dispose of in accordance with law and on its own merits.

With this, the Special Leave Petition stands dismissed / disposed of.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR