

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.16951/2001

(From the judgement and order dated 27/09/2000 in WP 1/00  
of The HIGH COURT OF SIKKIM AT GANGTOK)

SHOVA RAI

Petitioner (s)

VERSUS

TARAMAN CHETTRI &amp; ORS.

Respondent (s)

( With Appln(s). for c/delay in filing SLP & permission to place addl.  
documents on record and directions & c/d in filing rejoinder )

( With prayer for interim relief )

With

SLP(C)No.20747/2002

Date : 13/12/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. Raj Kumar Gupta, Adv.  
Mr. Sheo Kumar Gupta, Adv.  
Mr. A.N. Bardiyar, Adv.For Respondent (s) Ms. Prabha Swami, Adv.  
Mr. Krishnamurthi Swami, Adv.Mr. A. Mariarputham, Adv.  
Mr. Aruna Mathur, Adv.  
Mr. Anurag D. Mathur, Adv. for  
M/s Arputham, Aruna & Co., Adv.Mr. Mukul Rohtagi, ASG.  
Mr. ADN. Rao, Adv.  
Mr. P. Parmeswaran, Adv.Mr. Bishwajit Kumar Shahi, Adv.  
Mr. Barun Kumar, Adv.  
Mr. S.B. Upadhyay, Adv.UPON hearing counsel the Court made the following  
O R D E R

SLP(C)No.16951 of 2001@@  
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Delay condoned.

The High Court on a Public Interest Petition filed, made certain directions including for cancellation of the allotment and investigation by C.B.I. etc. Now, it appears, from record, that pursuant to the said judgment which is impugned herein, departmental proceedings as also proceedings for demolition have been initiated by the Government department. Learned counsel for the petitioner submits that his client would defend those proceedings but the apprehension of his client is that the observations made in the judgment may influence those proceedings and thus it may be clarified that the said proceedings would be decided on its own merits, uninfluenced by the observations made in the impugned judgment. The prayer made is just and fair. We, therefore, order accordingly. We clarify that in the decision of the departmental disciplinary proceedings and the demolition proceedings or any other proceedings, which may be initiated pursuant to the impugned judgment, the observation made in the impugned judgment shall not be taken into consideration and such proceedings, shall be decided on their own merits. Further, if the petitioner has any right to challenge such proceedings, the said right would not be curtailed by any observations in the impugned judgment. Petitioner would be free to challenge those proceedings in accordance with law. The Special Leave Petition is accordingly disposed of in the above terms.

The protection granted to the petitioner in terms of the order dated 25th January, 2002 is extended for 8 weeks.

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It seems that after the impugned order, the Government has granted sanction for the prosecution of the petitioner. The validity of that sanction is not in issue before us in this Special Leave Petition. Accordingly, the Special Leave Petition is dismissed. We, however, make it clear that the dismissal of the petition will not affect the right, if any, of the petitioner to challenge the legality of the sanction order and if it is challenged, that will be decided independently on its own merits.

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(S. Thapar)  
PS to Registrar

(V.P. Tyagi)  
Court Master