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SLP(C)No. 11659 OF 2003

ITEM No.36

Court No. 7

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.11659/2003

(From the judgement and order dated 07/07/2003 in LPA 55/2003  
of The HIGH COURT OF J & K AT JAMMU)

M/S. TREHAN INDUSTRIES PVT. LTD. & ANR.

Petitioner (s)

VERSUS

STATE OF J.&K. & ORS.

Respondent (s)

(With appln(s). for exemption from filing c/c of the impugned Judgment  
and prayer for interim relief)

Date : 11/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)Mr. Harish N. Salve,Sr.Adv.  
Mr. Bhargava V. Desai,Adv.

Mr. Sidharth Chaudhary,Adv.  
Ms. Meenakshi,Adv.  
Mr. Sanjeev Kumar Singh,Adv.

For Respondent (s)Mr. Altaf Nayak,AG, J&K.  
Mr. Anis Subrawardy,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Exemption is allowed.

Issue notice.

Mr. Altaf Nayak, learned Advocate General for the State of Jammu & Kashmir, takes notice on be  
half of the respondents.

Formal service of notice is dispensed with.

Leave granted.

The civil appeal is allowed.

No costs.

[ T.I. Rajput ] [ Madhu Saxena ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4590 OF 2003  
(Arising out of S.L.P. (C) No. 11659 of 2003)

M/s. Trehan Industries Pvt. Ltd. & Anr. ...Appellant(s)

Versus

State of Jammu & Kashmir & Ors. ...Respondent(s)

O R D E R

Leave granted.

We are of the view that the Division Bench of the High Court ought not to have interfered with the ad-interim order in a Letters Patent Appeal, much less entertained it. Mr. Altaf Nayak, learned Advocate General for the State of Jammu and Kashmir, does not dispute this proposition of law but prays that the matter may be expeditiously decided by the learned Single Judge. It is stated by Mr. Harish N. Salve, learned senior counsel appearing on behalf of the appellants, that the respondents have taken possession of the Canal Power House on the basis of the impugned order of the Division Bench yesterday, i.e., 10th July, 2003. Since the special leave petition was filed before this Court on 9th July, 2003 and the matter being subjudice, we direct that status quo as of 10th July, 2003 at

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10.30 a.m. shall be maintained. This order is subject to any order that may be passed by the learned Single Judge on the interim application filed by the respondents. The learned Single Judge is requested to dispose of the interim application as expeditiously as possible. The parties agree that they will make an application for expeditious disposal before the learned Single Judge within a period of one week from date.

We, however, make it clear that we have not expressed any opinion on the merits of the case.

The civil appeal is, accordingly, allowed.

No costs.

.....J.

[RUMA PAL]

.....J.

[P.VENKATARAMA REDDI]

New Delhi,  
July 11, 2003.