

SUPREME COURT OF INDIA

State of U.P. & Ors.

Vs.

Dinesh Kumar Gupta

S.L.P.(Civil) 8854 of 2007

(Tarun Chatterjee and Dalveer Bhandari, JJ.)

15.01.2008

ORDER

Tarun Chatterjee, J.

1. This Special Leave Petition is preferred against the final Judgment and Order dated 19th of October, 2006 passed by the High Court of Judicature at Allahabad, Lucknow Bench in Writ Petition No. 6532 (SS) of 2001. Without going into the merits and facts of the present case, we may dispose of this Special Leave Petition on a very short point.
2. In the aforesaid Writ Petition, a Special Appeal has already been filed by the State of U.P. and Ors., which is still pending decision. It appears from the record of this Special Leave Petition that the Special Appeal could not be heard on a number of occasions due to heavy board or paucity of time, although the respondent is proceeding with the Contempt Proceeding.
3. Having heard the learned counsel for the parties and after going through the materials on record and considering the fact that since, admittedly, a Special Appeal has been filed against the impugned judgment, we are of the view that without going into the merits of this Special Leave Petition, which has also been filed against the impugned judgment only, it would be proper to dispose of this Special Leave Petition by requesting the High Court to decide the Special Appeal pending before it against the impugned order at an early date, preferably within four months from the date of communication of this Order to the High Court.
4. We make it clear that we have not gone into the merits of the disputes raised by the parties before us against the impugned Order, which shall be decided by the Division Bench of the High Court in accordance with law.
5. However, it would be open to the petitioners to apply for stay of the order of the learned Single Judge or ask for stay of the contempt proceeding pending in the High Court.

6. With these observations, this Special Leave Petition is disposed of. There will be no order as to costs.