

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4177 OF 2013
(@ SPECIAL LEAVE PETITION(C) NO.11563 OF 2011)

STATE OF UTTAR PRADESH & ANR.

APPELLANTS

VERSUS

VISHWANATH CHATURVEDI & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad, Lucknow Bench in Writ Petition No.10503 (M/B) of 2009, dated 03.12.2010.

3. This Court, while entertaining the appeal, by its Order dated 18.04.2011, had passed the following interim order. The same reads as under :

“.....Ad-interim stay of the direction No.(iii) in para 155 and the second part of direction No.(viii) in para 155 requiring the reports to be submitted to the High Court in regard to every investigation at interval of two months.

In regard to direction No.(iv) in para 155 of the impugned order, the period three months mentioned therein shall be substituted by the period 'six months'....”

4. The respondents have entered their appearance through their respective counsel.

5. The Joint Secretary, Food & Civil Supply, Government of Uttar Pradesh has filed an affidavit on behalf of the appellants herein in compliance of the orders passed by this Court dated 26.04.2013. In the affidavit, it is stated that the investigating agency had requested for grant of sanction under the provisions of the Criminal Procedure Code, 1973 and also under the provisions of the Prevention of Corruption Act, 1988 and the State Government has sanctioned prosecution in the case of 18 officials out of 23 persons against whom the sanction was sought by the investigating agency. In the affidavit it is also stated that as against the remaining 5 persons, the State Government will pass appropriate orders sanctioning prosecution as requested by the investigating agency within four weeks' time from today.

6. In view of the aforesaid undertaking by the State Government in our opinion, nothing survives in this appeal for our consideration and decision.

7. However, we make it clear that the question of sanction raised by the State will be considered in an appropriate case, if it is found necessary at a later date.

8. With the aforesaid observations, the appeal is disposed of.

9. Order dated 15.03.2013 allowing the application(s) for intervention/impleadment is recalled and the same are rejected. However, we observe that the applicant(s) may file a separate petition, if he so desires.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI;
MAY 01, 2013.

JUDGMENT