

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1778-1779 OF 2012
(@ SPECIAL LEAVE PETITION (CRL.) NOS. 1122-1123 OF 2012)

PANNALAL RADHAKRISHNA PODDAR

APPELLANT

VERSUS

DINKAR RAI & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. These appeals are directed against the interim order passed by the High Court of Judicature at Bombay in Criminal Writ Petition No. 681 of 2011, dated 16th August, 2011 and 9th September, 2011.

3. Tenant's Writ Petition before the High Court: The High Court while entertaining the Writ Petition, by way of an interim order has permitted the tenant to make an application before the Municipal Corporation of Greater Bombay (respondent no.3-herein) for regularization of the unauthorized construction alleged to have been carried out by the respondent/ tenant and further has directed that the prosecution proceedings

initiated by the landlord against the respondent/tenant for having made the unauthorized construction, be stayed, till further orders. Being aggrieved by this portion of the order passed by the learned Judge, the appellant is before us in these civil appeals.

4. The instant case has a checkered history. Allegations and counter allegations are being made by the landlord and the tenant towards each other. However, we are not inclined to go into all those aspects of the matter while deciding these appeals.

5. The tenant has approached the High Court, being aggrieved by the orders passed by the learned Magistrate in issuing summons to face the trial on the complaint filed by the landlord, *inter alia*, alleging that the respondent/tenant has made the unauthorized construction on the tenanted premises. Being aggrieved by the order so passed, the tenant has approached the High Court for seeking certain reliefs. The learned Single Judge, while granting interim relief, has stayed all the prosecution proceedings against the tenant. In our opinion, such relief should not have been granted

in a matter of this nature and therefore, we take exception to the order passed by the High Court.

6. Accordingly, we set aside that portion of the order, where the High Court has stayed the prosecution proceedings against the tenant in question.

7. Since the Writ Petition is still pending before the High Court, we hope and trust that the High Court will make all efforts to decide the dispute between the parties as expeditiously as possible. All the contentions of both the parties are left open.

8. The Criminal Appeals are disposed of accordingly.

Ordered accordingly.

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

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 05, 2012.