

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.510-514/2017

(@Petition(s) for Special Leave to Appeal (C) No(s).
15768-15772/2015)

M/S. IIC SERVICES (INDIA) PVT. LTD. AND ANR. Appellant(s)

VERSUS

MOBILE WELFARE SOCIETY AND ORS. ETC. ETC. Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the parties.

We have been taken through the Judgments of the learned Single Judge as well as the Division Bench of the High Court delivered in these matters.

After having heard the learned counsel appearing for the parties and carefully gone through the materials available on record, it appears to us that the Division Bench of the High Court has wrongly come to the conclusion in applying Section 144 of the Civil Procedure Code, 1908 and remanded the matters back to the learned Single Judge to decide.

Learned counsel appearing before us drew our attention to the following portion of the order which was passed by the learned Single Judge which is quoted hereunder:-

"When Ex.P.1 sets out that the Government assigned the land to the writ petitioner society free of cost, to enable it to assign it in favour of poor people, where did the petitioner society derive the authority to sell parcels of land in favour of various other societies and or individuals by executing Sale Deeds. Thus, the petitioner society, acting in tandem with several other societies and individuals has played a large scale fraud, it appears. No society or individual could have ever derived any title from a fraudulent and fabricated document.

Therefore, the Commissioner of Police, Cyberabad is directed to constitute an Investigating Team under the leadership of an Assistant Commissioner of Police and investigate the fraud played by the petitioner society and bring all such persons, including its office bearers and its GPA Holder to book. Let a detailed report be submitted to this Court for its further consideration within 30 days."

The learned Single Judge came to the aforesaid conclusion after narrating the facts in the matter.

Hence, learned counsel submitted before us that learned Single Judge directed investigation in the matters and further submit that the said investigation should be allowed to be continued in order to unearth the actual facts which are involved in these matters.

In view of that, we affirm the said part of the Order of the learned Single Judge and set aside the impugned Order of the learned Division Bench of the High Court.

Parties are at liberty to take appropriate steps after the investigation as ordered by the learned Single Judge is completed in the matters.

We further make it clear that until the pending investigation is completed in the matters, the parties are bound by the findings of the learned Single Judge.

The Appeals are disposed of in the afore-stated terms.

.....J
(PINAKI CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
13TH JANUARY, 2017.

ITEM NO.60

COURT NO.6

SECTION XIIA

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 (C)
No(s). 15768-15772/2015

(Arising out of impugned final judgment and order dated 05/12/2014 in WA No. 1503/2014, WA No. 201296/2014, WA No. 201439/2014, WAMP No. 3754/2014 and WAMP No. 3755/2014 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

M/S. IIC SERVICES (INDIA) PVT. LTD. AND ANR. Petitioner(s)

VERSUS

MOBILE WELFARE SOCIETY AND ORS. ETC. ETC. Respondent(s)

(With interim relief and office report)

Date : 13/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. K.N. Bhat, Sr. Adv.
Mr. Ananga Bhattacharyya, AOR
Mr. Rohit Rao N., Adv.
Mr. Mukund P. Unny, Adv.

For Respondent(s)

Mr. V. Sridhar Reddy, Adv.
Mr. Sunder Khatri, Adv.
Mr. Abhijit Sengupta, AOR

Mr. Rohit Alex, Adv.
Mr. P. S. Sudheer, AOR
Mr. Gaurav Jain, Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Shruti Jose, Adv.

Mr. M. Srinivas R. Rao, Adv.
Mr. Abid Ali Beeran P., Adv.
Mr. Arun Devdas, Adv.
Mrs. Sudha Gupta, AOR

Mr. V. Balachandran, Adv.
Mr. Siddharth Naidu, Adv.
Mr. A. Lakshminarayanan, Adv.
For M/s KSN & Co.

Ms. D. Geetha, Adv.
Mr. Gaurav Kumar, Adv.
Ms. S. Ramamani, AOR

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

Leave granted.

The Appeals are disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)