

Supreme Court of India

J. Jayalalitha vs M. Chenna Reddy And Ors. on 13 February, 1996

Equivalent citations: (1998) 8 SCC 601

Bench: S Bharucha, Faizanuddin, S Majmudar

ORDER

1. Having heard learned counsel, we are of the view that an issue of constitutional importance is raised in these matters and they should be heard by a Bench of 5 learned Judges.
2. Shortly put, the submission on behalf of the Chief Minister of the State of Tamil Nadu and the State of Tamil Nadu is that the Governor of the State was not the appropriate authority to grant sanction for the prosecution of the Chief Minister under the provisions of Section 197 of the CrPC and Section 19 of the Prevention of Corruption Act, and that, assuming that he was, he was not entitled to decide whether or not to grant sanction only upon the basis of his discretion: he could do so only upon the advice of the Council of Ministers other than the Chief Minister.
3. A decision is sought upon this issue also by the States other than the State of Tamil Nadu.
4. While we think that it is appropriate to refer the matters to a Constitution Bench, we should point out that no delay can be brooked for the Chief Minister continues to remain in office, no prosecution having been launched against her by reason of the stay order of this Court.
5. The papers shall be placed before the Hon'ble the Chief Justice for appropriate directions.
6. Parties shall be at liberty to mention the matter to the Hon'ble the Chief Justice.
7. All applications for intervention in these matters may be considered by the Constitution Bench.

Court Masters