

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.61 OF 2002

M. NAGARAJ & ORS.
Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
)

Respondent(s)

(With appln.(s) for impleading party and intervention and impleadment and directions and permission

to file additional documents and clarification of court's order and vacating stay and with office report)

W I T H

Writ Petition (C) No.62 of 2002

(With appln. for vacating stay)

Writ Petition (C) No.81 of 2002

(With appln. for exemption from filing O.T. and stay)

Writ Petition (C) No.111 of 2002

(With office report)

Writ Petition (C) No.134 of 2002

Writ Petition (C) No.135 of 2002

Writ Petition (C) No.206 of 2002

(With appln. for impleading party)

Writ Petition (C) No.226 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.227 of 2002

Writ Petition (C) No.255 of 2002

(With appln(s). for directions and clarification/modification of Court's order and modification and office report)

Contempt Petition (C) No.404/2004 in W.P.(C) No.255/2002

(With appln.(s) for exemption from filing O.T. and amendment of cause title and add additional contemnors/respondents)

Writ Petition (C) No.266 of 2002

(With appln. for modification)

Writ Petition (C) No.269 of 2002

(With appln. for clarification/modification of Court's order)

Writ Petition (C) No.279 of 2002

(With appln. for interim directions and intervention and office report)

Writ Petition (C) No.299 of 2002

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(With appln. for substitution)

Writ Petition (C) No.294 of 2002

(With appln. for directions)

Writ Petition (C) No.295 of 2002

(With appln. for stay)

Writ Petition (C) No.298 of 2002

(With appln. for directions)

Writ Petition (C) No.250 of 2002

(With appln. for directions and office report)

Writ Petition (C) No.319 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.375 of 2002

(With appln. for ex-parte stay and with office report)

Writ Petition (C) No.386 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.387 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.320 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.322 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.323 of 2002

(With appln. for stay and with office report)

Writ Petition (C) No.338 of 2002

Writ Petition (C) No.234 of 2002

(With appln. for stay and with office report)

Writ Petition (C) No.340 of 2002

(With appln. for directions and impleadment)

Writ Petition (C) No.423 of 2002

(With appln. for impleading party)

Writ Petition (C) No.440 of 2002

Writ Petition (C) No.453 of 2002

(With appln. for ex-parte stay and with prayer for interim relief and office report)

Writ Petition (C) No.460 of 2002

(With appln. for intervention and impleadment and with office report)

Writ Petition (C) No.472 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No. 482 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.483 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.484 of 2002

(With appln. for ex-parte stay)

Writ Petition (C) No.485 of 2002

Writ Petition (C) No.550 of 2002

(With appln. for stay and with office report)

Writ Petition (C) No.527 of 2002

(With office report)

Writ Petition (C) No.640 of 2002

(With appln. for permission to submit additional documents and with office report)

Special Leave Petition (C) Nos.4915-4919 of 2003

(With appln.(s) for exemption from filing O.T. and stay)

Writ Petition (C) No.153 of 2003

(With applns. for stay and impleadment as party respondent and with office report)

Contempt Petition (C) No. 505/2002 in Writ Petition (C) No.61 of 2002

(With appln. for amendment of cause title)

Contempt Petition (C) No.553/2002 in Writ Petition (C) No.266 of 2002

(With office report)

Contempt Petition (C) No.570/2002 in Writ Petition (C) No.255 of 2002

(With office report)

Contempt Petition (C) No.122/2003 in Writ Petition (C) No.61 of 2002

Contempt Petition (C) No.127/2003 in Writ Petition (C) No.61 of 2002

Contempt Petition (C) No.85/203 in Writ Petition (C) No.255 of 2002

Writ Petition (C) No.313 of 2003

(With applns. for directions and exemption from filing O.T. and office report)

Writ Petition (C) No.381 of 2003

(With appln. for for permission and with office report)

Civil Appeal No.12501-12503 of 1996

(With office report)

Special Leave Petition (C) No.754 of 1997

(With appln. for directions)

Writ Petition (C) No.460 of 2003

(With appln. for stay)

Civil Appeal No.7802 of 2001

(With appln. for directions and with office report)

Civil Appeal No.7803 of 2001

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(With appln. for directions and with office report)

Writ Petition (C) No.469 of 2003

(With appln. for directions and with office report)

Special Leave Petition (C) No.19689 of 1996

Writ Petition (C) No.563 of 2003

(With appln. for directions and with office report)

Writ Petition (C) No.2 of 2003 (With office report)

Writ Petition (C) No.515 of 2004

(With office report)

Writ Petition (C) No.519 of 2004

(With appln. for exemption from filing O.T. and with office report)

Writ Petition (C) No.562 of 2004

(With appln. for ex-parte stay and with office report)

Writ Petition (C) No.413 of 1997

(With appln. for stay and with office report)

Writ Petition (C) No.286 of 2004

(With office report)

Special Leave Petition (C) No.14518 of 2004

(With office report)

Date : 18/04/2006 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

Mr. Mohan Parasaran,ASG.

Mr. Gaurav Agrawal,Adv.

for Attorney General for India

For Petitioner(s)/

Appellant(s)

In WP 61/02, 62/2002

Mr.Harish N. Salve,Sr.Adv.

226/02,227/2002,255/

Dr. Rajiv Dhavan,Sr.Adv. (In WP 255/02)

2002,266/2002,299/02,

Ms. Kiran Suri,Adv.

294/02,295/02,298/02,

Ms. Abhilasha Lalbhai,Adv.

319/02,386/02,387/02,

Mr. Himanshu Buttan,Adv.

320/02,482/02,483/02,

484/02,485/02,Cont.

Pet.127/2003, 85/2003

and SLP 754/97:

For applicant(s) in

WP 61/2002:

Dr. (Mrs.) Vipin Gupta,Adv.

Mr. S.B.Upadhyay, Adv.

In WP 323/2002 &

Mr. Raj Kumar Gupta, Adv.

562/2004:

Mr. Sheo Kumar Gupta, Adv.

Mr. Bhanu Pratap Gupta, Adv.

Mr. A.N. Bardiyar, Adv.

Mr. Bihari Trigunayat, Adv.

In WP 269/02, 322/02,

453/02 & 460/02: Mr. Janaranjan Das, Adv.

Mr. Swetaketu Mishra, Adv.

In WP 81/2002:

Dr. Rajiv Dhavan, Sr. Adv.

Mr. Chandra Prakash, Adv.

Mr. Prashant Venketesh, Adv.

Mr. Lakshmi Raman Singh, Adv.

In WP 515/2004:

Ms. Meenakshi Arora, Adv.

In SLP 4915-19/2003: Mr. Pramod Dayal, Adv.

In SLP 14518/2004:

Mr. P.K. Jain, Adv.

In WP 640/2002:

Ms. Pratibha Jain, Adv.

In WP 234/2002 &

Mr. Harish N. Salve, Sr. Adv.

340/2002 :

Mr. Sushil Kumar Jain, Adv.

In Cont. Pet. 505/2002

& 122/2003:

Mr. S.N. Bhat, Adv.

In WP 313/2003:

Mr. Amit Pawan, Adv.

Mr. Ugra Shankar Prasad, Adv.

In WP 527/2002:

Mr. Sishir Kumar Bandyopadhyay, in-person

In WP 153/2003:

Mr. Manoj Saxena, Adv.

Mr. Rajneesh Kumar, Adv.

Ms. Samina Ahmad, Adv.

Mr. Pravir Choudhary,Adv.

In WP 413/1997: Mr. S. Muralidhar,Adv.

In WP 279/02,375/02,

and 469/2003: Ms. Kirti Mishra, Adv.

In WP 111/2002,

206/02 & 550/02: Ms. S. Janani,Adv.

In WP 472/02: Mr. Jana Kalyan Das,Adv.

In SLP 19689/96: Prof. Ravivarma Kumar,Sr.Adv.

Mr. Ashok Kumar Upadhyay,Adv.

Mr. E.C. Vidya Sagar,Adv.

In CA 7802/2001 & Dr. Krishan Singh Chauhan,Adv.

7803/2001: Mr. Chand Kiran,Adv.

Dr. Indra Pratap Singh,Adv.

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Mr. Sunil Kumar,Adv.

Ms. Gyan Mitra,Adv.

In WP 2/2003: Mr. M.A. Chinnasamy,Adv.

In WP 460/2003 &

286/2004: Mr. Anurag Sharma,Adv.

Mr. Prashant Kumar,Adv.

In CA 12501-503/96: Mr. Sanjay R. Hegde,Adv.

Mr. Anil K. Mishra,Adv.

Mr. A. Rohen Singh,Adv.

In WP 563/2003: Mr. V.K. Monga,Adv.

Mr. Janaranjan Das,Adv.

Mr. Swetaketu Mishra,Adv.

In Cont.Pet.553/02

& 570/2002: Mr. Rajesh Mahale, Adv.

In WP 519/2004: Mr. Harish N. Salve, Sr.Adv.

Mr. S. Muralidhar,Adv.

Mr. Tapeshe Kumar Singh,Adv.

Mr. Dinesh Chandra Pandey,Adv.

Mr. Rajeev Kumar,Adv.

Mr. Sanjay Jain,Adv.

In WP 440/2002: Mr. Parija V. Phatarpekar, Adv.

Mr. V.K. Sidharthan,Adv.

In WP 134/02,135/02,

& 338/2002: Mr. Naveen R. Nath,Adv.

Ms. Lalit Mohini Bhat,Adv.

Ms. Anitha Shenoy,Adv.

Ms. Hetu Arora,Adv.

In WP 250/2002 &

423/2002: Mr. Rameshwar Prasad Goyal,Adv.

For Respondent(s)

For Union of India: Mr. K. Parasaran,Sr.Adv.

Mr. A. Subba Rao,Adv.

Ms. Sushma Suri,Adv.

Mr. A. Mariarputham, Adv.

Mr. Pradeep Ranjan Tiwary, Adv.

Mr. Anirudh Sharma, Adv.

Mr. P. Parmeswaran,Adv.

For Karnataka: Mr. Sanjay R. Hegde,Adv.

Mr. Anil K. Mishra,Adv.

Mr. A. Rohen Singh,Adv.

Mr. P.P. Rao, Sr.Adv.

Mr. S.N. Bhat,Adv.

Mr. D.P. Chaturvedi, Adv.

Mr. N.P.S.Panwar, Adv.

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Ms. Bina Madhavan, Adv.

Mr. S.U.K. Sagar, Adv.

Ms. Pooja N. Gupta, Adv.

Mr. S. Vallinayagam, Adv.

for M/s. Lawyer's Knit & Co., Adv.

For Rajasthan: Mr. Aruneshwar Gupta, AAG.

Mr. Naveen Kumar Singh, Adv.

Mr. Rajesh Prasad Singh, Adv.

Mr. Rajeev Singh, Adv.

Ms. Sunita R. Singh, Adv.

Mr. Sudhanshu Saran, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Ms. Binu Tamta, Adv.

Ms. Kiran Suri, Adv.

Mr. Himanshu Buttan, Adv.

For Mumbai Port Trust:

Mr. Buddy A. Ranganadhan, Adv.

for M/s. J.B. Dadachanji & Co., Adv.

In WP 381/03:

Mr. Sunil Kumar Jain, Adv.

Mr. S. Borthakur, Adv.

Mr. Manish Kumar, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. B. Barooah, Adv.

For West Bengal: Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. Shreekant N. Terdal, Adv.

Ms. Sandhya Goswami,Adv.

Dr. Krishan Singh Chauhan,Adv.

Mr. Chand Kiran,Adv.

Dr. Indra Pratap Singh,Adv.

Mr. Sunil Kumar,Adv.

Ms. Gyan Mitra,Adv.

IN WP 135, 338/02:

Mr. S.K.Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Khwairakpam Nobin Singh,Adv.

Mr. Radha Shyam Jena,Adv.

Mr. B.V. Balaram Das,Adv.

In WP 134/2002:

Mr. S. Ganesh,Sr.Adv. (NP)

Mr. P. Venugopal,Adv.

Mr. E. Venu Kumar,Adv.

for M/s. K.J. John & Co.,Adv.

Mr. Shibashish Misra,Adv.

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For Punjab:

Mr. Jawahar Lal Gupta,Sr.Adv.

Mr. Mukesh Kr. Sinha, Adv.

Mr. Arun Kumar Sinha,Adv.

Mr. Rakesh Singh, Adv.

for Mr. R.S. Suri,Adv.

Mr. Rajesh Mahale,Adv.

For Madhya Pradesh:

Mr. C.D. Singh,Adv.

Ms. Kiran Suvarna,Adv.

Mr. Dhruvad Kashyap,Adv.

For Intervenor(s) in

WP 269/2002:

Dr. M.P. Raju,Adv.

Mr. Babu Malayil, Adv.

Mr. S.P. Sharma, Adv.

Mr. Johnson, Adv.

Mr. G.S. Chatterjee, Adv.

Mr. Naresh K. Sharma, Adv.

Ms. Lalita Kaushik, Adv.

In WP 61/2002,

323/2002 & 234/2002: Mr. A.Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

for M/s. Arputham, Aruna & Co., Adv.

Mr. R.P. Wadhvani, Adv.

Mr. S.K. Nandy, Adv.

IN WP 640/02:

Mr. Bishwajit Kumar Shahi, Adv.

Mr. S.B. Upadhyay, Adv.

Mr. Prakash Shrivastava, Adv.

Ms. V. Mohana, Adv.

For M/o Railways:

Mr. A. Sharan, A.S.G.

Mr. S.W.A. Qadri, Adv.

Mr. B.K. Prasad, Adv.

For Jharkhand:

Ms. Pinky Anand, Adv.

Mr. Gopal Prasad, Adv.

Mr. Rajesh Pathak, Adv.

For Bihar:

Ms. Vimla Sinha, Adv.

Mr. Gopal Singh, Adv.

In CAs. 7802, 7803/2001:

Mr. Sunil Kumar Jain, Adv.

Mr. S.Borthakur, Adv.

Mr. Manish Kumar, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. B. Barooah, Adv.

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Ms. Kavita Wadia, Adv.

Ex-parte

For Haryana:

Mr. Manjit Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr. T.V. George, Adv.

Mr. Jana Kalyan Das, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. S. Muralidhar, Adv.

Mr. Amit Sharma, Adv.

Mr. K.G. Gopala Krishnan, Adv.

Mr. Somiran Sharma, Adv.

In SLP 14518/2004:

Mr. Pallav Shishodia, Adv.

Mr. D.N. Mishra, Adv.

For Goa:

Ms. A. Subhashini, Adv.

For Intervenor(s) Mr. P.N. Misra, Sr. Adv.

in WP 460/2002: Mr. K.N. Tripathy, Adv.

Mr. Abhishth Kumar, Adv.

For Min. of Def.:

Mrs. Rekha Pandey, Adv.

Mrs. Anil Katiyar, Adv.

For State of UP in

WP 381,286/03:

Dr. R.G. Padia, Sr. Adv.

Mr. Pradeep Misra, Adv.

Mr. Sandeep Singh, Adv.

For State of UP in

In WP 2/03:

Dr. R.G. Padia, Sr.Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Sandeep Singh, Adv.

Mr. Sonjay Kumar Singh, Adv.

for Mr. Pradeep Misra, Adv.

For State of M.P.

in WP 460/03 &

SLP 4915-19/03:

Mr. Ravindra Shrivastava, Sr.Adv.

Ms. Vibha Datta Makhija, Adv.

Ms. Musharraf Choudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr.Harish N. Salve, learned senior counsel, resumed his arguments at 10.30 a.m.

and concluded at 2.40 p.m. Thereafter, Mr. S.Muralidhar, learned counsel appearing for the petitioners, made his submissions upto 3.15 p.m. Mr. J.R.Das, learned counsel,

thereafter, made his submissions for ten minutes. Mr. K.Parasaran, learned senior

counsel appearing for the Union of India, commenced his arguments thereafter and was

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on his legs when the Court rose for the day.

The matters remained part-heard.

(N. Annapurna)

(T.I.Rajput)

(Vijay Lakshmi)

Court Master

AR-cum-PS

Court Master

CORAM AND APPEARANCES : AS OF 18TH APRIL, 2006.

Mr. K.Parasaran, learned senior counsel, resumed his arguments at 10
.30 a.m.

and was on his legs when the Court rose for the day.

The matters remained part-heard.

(N. Annapurna)

(T.I.Rajput)

(Vijay Lakshmi)

Court Master

AR-cum-PS

Court Master