

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 (Civil) No(s).1587/2012

(From the judgement and order dated 22/11/2011 in MB No.11669/2011 of the HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

MAHARAJI EDUCATIONAL TRUST

Petitioner(s)

VERSUS

S.G.S.CONSTRUCTION & DEVELOPERS LD.&ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report)

WITH

SLP(C) NO. 2569 of 2012

(With prayer for interim relief and office report)

SLP(C) NO. 2648 of 2012

(With appln.(s) for deletion of the name of respondent and with prayer for interim relief and office report)

Date: 15/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Amarjit Singh Chandhiok, A.S.G.

Mr. A.K. Singh, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Piyush Sanghi, Adv.

Ms. Honey Kumari, Adv.

Mr. Rohit Sharma, Adv.

Mr. Abhijat P. Medh, A.O.R.

Mr. A. Sharan, Sr. Adv.

Mr. Amit Anand Tiwari, Adv.

Mr. Ashutosh Jha, Adv.

Mr. Somesh Chandra Jha, Adv.

Mr. S. Chandra Shekhar, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.

Mr. Vikash Singh, Sr. Adv.

Mr. Aarohi Bhalla, Adv.

Mr. Mayank Gulati, Adv.

Ms. Shilpa Singh, Adv.

Mr. Pranav Bhaskar, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Irshad Ahmad, A.A.G. (Uttar Pradesh)

Mr. Ashutosh Kr. Sharma, Adv.

Mr. Abhish Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

in SLP(C) No.2648 of 2012 is allowed.

Heard learned counsel on either side.

We find it unnecessary to keep all these special leave petitions pending before this Court.

SLP(C) No.1587 of 2012 arises from an order dated 22.11.2011 passed by the High Court of Judicature at Allahabad in Misc. Bench No.11669 of 2011. The High Court issued notice in the writ petition and ordered that the exchange of property No. 6, ordered by the UP Awam Vikas Parishad on permission granted by the State Government be kept in abeyance till the next date of hearing. Court then listed the matter on 15.12.2011.

This Court issued notice on SLP (C) No. 1587 of 2012 on 17.1.2012 and stayed the operation of the impugned order dated 22.11.2011. Another SLP(C) No.2648 of 2012 was filed by Housing and Urban Development Corporation (HUDCO) on 13.1.2012 challenging the very same order dated 22.11.2011 and this Court passed an order on 24.2.2012 staying the operation of the impugned order and tagged that SLP along with SLP(C) NO.1587 of 2012.

Challenging the interim order dated 6.1.2012 in Writ Petition NO. 11669 of 2011 directing the Chairman, HUDCO and Deputy General Manager (Law) to remain present before the Court on 18.1.2012, SLP(C) No.2569 of 2012 was filed on 12.1.2012. All the special leave petitions came up for further hearing on 5.11.2012 and this Court took the view that there are no sufficient reasons to initiate contempt of court proceedings against HUDCO and that part of the order initiating contempt of proceedings was quashed. On 9.11.2012 this Court passed an order directing that the interim order granted by this Court on 24.2.2012 shall continue till the next date of hearing. Subsequently this Court extended the interim order granted on 24.2.2012.

We are of the view that since the main matter is seized before the High Court there is no justification in keeping all these special leave petitions pending before this Court, especially when this Court in its order dated 5.11.2012 quashed the contempt of court proceedings initiated against HUDCO. We are, therefore, inclined to dispose of all the SLPs with a request to the High Court to dispose of the main writ petition within a period of two months from the receipt of this order. Parties are at liberty to raise all their contentions before the High Court. Till the matter is disposed of finally by the High Court, the interim orders passed by this Court will continue. We make it clear that we have not expressed any opinion on the merits of this case and it is for the High Court to decide the matter in accordance with law. All the special leave petitions are disposed of accordingly.

|(A.D. Sharma)

| |(Renuka Sadana)

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|Court Master

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