

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

Writ Petition(s)(Civil) No(s). 55/2003

E.R. KUMAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for impleadment, clarification / direction and modification of court order)

WITH

W.P.(C) No. 572/2003 (PIL-W)

(FOR ON IA 1/2003 FOR INTERIM DIRECTIONS)

Date : 13-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. E.R. Kumar, Petitioner-in-person

Ms. S. Lakshmi Iyer, Adv.

Ms. Amita V. Joseph, Adv.

Ms. Aishwarya Dash, Adv.

Mr. Prashant Bhushan, AOR

Ms. Amiy Shukla, Adv.

Mr. Shakti Vardhan, Adv.

Ms. Amita Joseph, Adv.

Mr. O. Kuttan, Adv.

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Union of India

Ms. V. Mohana, Sr. Adv.

Ms. Rukmini Bobde, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. B.V. Balaramdas, Adv.

Mr. M.K. Maroria, Adv.

Mr. Raj Bahadur, Adv.

Mr. A.K. Sharma, Adv.

Ms. Anil Katiyar, Adv.

For States of
Andhra Pradesh

Mr. Guntur Prabhakar, Adv.

Ms. Prerna Singh, Adv.

Arunachal Pradesh	Mr. Anil Shrivastav, AOR Mr. Rituraj Biswas, Adv. Mr. Satyendra Kumar Srivastav, Adv.
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Chhattisgarh	Mr. Jugal Kishore Gilda, Adv. Gen. Mr. Aniruddh P. Mayee, Adv. Mr. Chirag Jain, Adv.
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H.P.	Mr. Abhinav Mukerji, Adv. Mrs. Bihu Sharma, Adv. Ms. Pratishtha Vij, Adv.
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Karnataka	Mr. V.N. Raghupathy, AOR Mr. Parikshit P. Angadi, Adv.
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	Mr. Alim Anvar, Adv. Mr. Nebil Nizar, Adv.
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Maharashtra	Ms. Deepa M. Kulkarni, Adv. Mr. Nishant R. Katneshwarkar, Adv.
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Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. Upendra Mishra, Adv. Mr. K.V. Kharlyngdoh, Adv. Mr. Daniel Stone Lyngdoh, Adv.
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Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
Odisha	Mr. Shibashish Mishra, Adv. Mr. Ashish Kumar Sinha, Adv. Mr. Chandan Kumar Mandal, Adv.
Punjab	Ms. Uttara Babbar, Adv. Ms. Bhavana Duhoon, Adv.
Rajasthan	Mr. S.S. Shamsery, Adv. Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv.
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Tripura	Mr. Rituraj Biswas, Adv. Mr. Shuvodeep Roy, Adv.
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Mr. Rajeev Kumar Dubey, Adv.
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For M/s Venkat Palwai Law Ass.

Mr. T.N. Rama Rao, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. T. Veera Reddy, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 137521/2018 (Application for direction on behalf of State of Manipur)

In view of the averments made in the application that a notification was already issued on 06.09.2018 before the order was passed on 07.09.2018, the order directing the applicant to deposit the costs of Rs.1,00,000/- stands waived.

The application is allowed.

I.A. No. 140148/2018 (Application for modification of order and setting aside the cost on behalf of State of Haryana)

In view of the averments made in the application that a notification was already issued on 13.06.2018 before the order was passed on 07.09.2018, the order directing the applicant to deposit the costs of Rs.1,00,000/- stands waived.

The application is allowed.

I.A. No. 142405/2018 (Application for directions on behalf of State of Mizoram)

In view of the averments made in the application that a notification was already issued on 29.01.2018 before the order was passed on 07.09.2018, the order directing the applicant to deposit the costs of Rs.1,00,000/- stands waived.

The application is allowed.

I.A. No. 161406/2018 (Application for directions on behalf of State of H.P.)

In view of the averments made in the application that a notification was already issued on 21.08.2018 before the order was passed on 07.09.2018, the order directing the applicant to deposit the costs of Rs.1,00,000/- stands waived.

The application is allowed.

I.A. No. 157331/2018 (Application for permission to produce additional documents on behalf of State of Kerala)

The Registry is directed to return the application to the applicant with liberty to hand over the document in question to the

learned counsel for the Union of India. Ordered accordingly

Chandigarh

Learned counsel for the State of Chandigarh submits that notification was issued on 28.06.2018. Despite that, the State has deposited the costs of Rs.1,00,000/-, as directed. That statement is taken on record. If so advised, the State of Chandigarh may take out a formal application for refund of the amount. That will be decided on its own merits.

Odisha

Learned counsel for the State of Odisha has pointed out that a notification was already issued but in light of some subsequent developments, the name of Civil Society Member may have to be replaced. It is open to the State to take out a formal application for this purpose.

Mr. E.R. Kumar, petitioner in person proposes to move an application for construction of temporary shelter homes during the winter period. That application be filed in the Registry after service on the learned counsel appearing for the concerned respondents.

The concerned respondents shall file their response to the said application before the next date of hearing.

List the matter on 29.11.2018.

The remaining States may hand over the action plan to the learned counsel for the Union of India and the petitioner in

person before the next date of hearing.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR