

ITEM NO.4

COURT NO.1

SECTION PIL

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

WRIT PETITION (CIVIL) NO. 150 OF 1997

NOIDA ENTREPRENEURS' ASSOCIATION

Petitioner(s)

VERSUS

N O I D A & O R S

Respondent(s)

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

Date : 26/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

Amicus Curiae

Mr. Rajiv Dhawan , Sr. Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Dayan Krishnan, Adv.

For Petitioner(s)

Mr. E. C. Vidya Sagar, Adv.

For Respondent(s)

Mr. Ravi P. Mehrotra, Adv.
Mr. Ashutosh Kr. Sharma, Adv.
Mr. Vibhu Tiwari, Adv.

Mr. Shyam Divan, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
Mr. Saurav Agrawal, Adv.
Mr. Sirdharth Singh, Adv.
Mr. Shyam Kumar, Adv.
For M/s. Fox Mandal & Co.

Mr. Prakash Kumar Singh, Adv.
Ms. Purnima Jauhari, Adv.

Signature Not Verified

Dr. B.K. Jauhari, Adv.

Digitally signed by

NEETU KHAJURIA

Date: 2014.08.28

15:26:45 IST

Reason:

Mr. Vivek Chaudhary, Adv.
Mr. Pankaj Bhatia, Adv.
Ms. Bharti Tyagi, Adv.

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Mr. P.K. Dey, Adv.
Mr. T.A. Khan, Adv.
Mr. M. Khariti, Adv.
Mr. B.V. Balramdas, Adv.

Dr. Kailash Chand, Adv.

Mr. Jogya Scaria, Adv.

Mr. K. B. Rohtagi, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. P. N. Puri, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Subramonium Prasad, Adv.

M/s. Mahalakshmi Balaji & Co.

Ms. Sangeeta Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In pursuance of order dated 27.11.2013, notices have been issued to the persons named in paragraph 16 of the Order to show cause as to why allotments/alternative allotments made in their favour may not be quashed. In response to the show cause notices so issued, the noticees have filed their responses/reply affidavits.

Insofar as Mr. Rajiv Kumar (Noticee No.1), is concerned, from his reply it transpires that aggrieved by the order dated 6.9.1999 cancelling the conversion of the plot No. B-86/51 to plot No.27, Sector 14A, he has filed a suit being O.S. No.316 of 2002 before the Civil Judge (Senior Division) District Gautam Budh Nagar, Uttar Pradesh. It is stated that the said suit is pending till date.

Mr. Vivek Chaudhary, learned counsel for Mr. Rajiv Kumar (Noticee No.1), however, submits that Mr. Rajiv Kumar may be permitted to withdraw the above suit in light of the order passed by this Court on 27.11.2013. We accept his statement. Accordingly O.S. No.316 of 2002 pending in the Court of Civil Judge (Senior Division), District Gautam Budh Nagar, Uttar Pradesh, shall be treated as withdrawn and dismissed.

As regards cancellation of conversion of plots allotted to Ms. Suruchi Yadav (Noticee No.2), Ms. Sanskriti Yadav (Noticee No.3) and Ms. Neera Yadav (Noticee No.4), Mr. Prakash Kumar Singh, learned counsel for these allottees submits that all the three plots have been surrendered to the NOIDA under protest.

Be that as it may, since Criminal Appeal Nos. 4837

of 2012, 4888 of 2012 and 4717 of 2012 are pending before the Allahabad High Court against the judgment by the Special Judge (Anti Corruption), U.P. (East) in relation to the accused Ms. Neera Yadav and Mr. Rajiv Kumar, we are of the view that it would be in fitness of things if the decision is taken by this Court on the show cause

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notices issued to the noticees mentioned in para 16 of Order dated 27.11.2013 after the decision by the Allahabad High Court in the above criminal appeals.

List this matter in the month of July 2015.

We request the Allahabad High Court to hear and decide the above criminal appeals as early as may be possible and preferably before 15th May, 2015.

Let this order be also communicated to the Chief Justice of Allahabad High Court so that appropriate steps are taken by him for disposal of the above criminal appeals at an early date.

Dr. Rajiv Dhawan, learned amicus curiae, may file written note at the time of hearing of the appeals.

(Neetu Khajuria)
Sr.P.A.

(Renu Diwan)
Court Master