

LISTED ON : 07-03-2014
COURT NO. : 2
ITEM NO. : 53

SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) Nos. 18755-56 of 2013 and 19156-19158 of 2013, 27299-27301 of 2013, 27561-27563 of 2013, 27434 of 2013, 38018-38020 of 2013 and 38025 and 38022-38024 of 2013,

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION Nos. 3-4

(Application for impleadment in SLP(C) No. 18755-18756 of 2013)

AND

INTERLOCUTORY APPLICATION Nos. 4-6

(Application for deletion in SLP(C) No. 19156-19158 of 2013)

AND

INTERLOCUTORY APPLICATION Nos.7-9 in SLP No. 27561-27563 of 2013.

(Application for deletion)

AND

INTERLOCUTORY APPLICATION No. 12 in SLP No. 27434 of 2013

(Application for deletion)

AND

INTERLOCUTORY APPLICATION Nos. 7-9 in SLP No. 27299-27301 of 2013.

(Application for deletion)

KSB

ALI

ETC.

...PETITIONER

-VERSUS-

STATE OF A.P & ORS.

..RESPONDENTS

OFFICE REPORT

SLP(C) Nos. 18755-18756 of 2013, 19156-19158, 27299-27501 of 2013, 27561-27563 of 2013 & 27434 of 2013

The matters above-mentioned were mentioned before the Hon'ble Court on 29th November, 2013, when the Court was pleased to pass the following Order:-

"A letter has been circulated by the advocate-on-record for the petitioner in SLP (C) Nos. 18755-18756 of 2013 praying for time for filing rejoinder-affidavit to the counter-affidavit filed by the respondent No.7.

Another letter has been circulated by Mr. D. Mahesh Babu, advocate-on-record for the respondent No. 1 - State of Andhra Pradesh praying for time for filing counter-affidavit.

: 2 :

Counter-affidavit may be filed by the respondent No.1 within four weeks.

Rejoinder-affidavit, if any, may be filed by the petitioners within two weeks therefrom.

List this group of matters after six weeks.

Interim order dated 10.5.2013 passed by this Court to continue in the meanwhile."

Subsequently, the matter above-mentioned was listed before the Court on 17th January, 2014, when the Hon'ble Court was pleased to pass the following order:

"A letter has been circulated by the advocate-on-record for the respondent No. 1 praying for time for filing counter-affidavit.

Same may be filed within four weeks.

Rejoinder-affidavit, if any, may be filed by the petitioners within two weeks therefrom.

A letter has also been circulated by Mr. P.N. Puri, advocate-on-record for petitioner in SLP (C) Nos. 18755-18756 of 2013 praying for time on the ground of personal difficulty of the counsel.

List this group of matters after six weeks.

Interim order to continue in the meanwhile."

It is submitted to the Hon'ble Court that Mr. D.Mahesh Babu, counsel for state of A.P has not filed counter affidavit so far in view of letter dated 16th January, 2014.

It is submitted that there are 7 and 8 Respondent in SLP(C) No. 18755 and SLP(C) No. 18756 of 2013 respectively. Respondent Nos. 1 to 7 are common in both matters. Mr.D.Mahesh Babu, Advocate has entered appearance on behalf of Respondent No. 8 in SLP(C) No. 18756 of 2013 and also filed counter affidavit on behalf of Respondent No. 8 and the same is already included in paper-books. He has requested to treated the same counter affidavit in all SLPs. Respondent Nos. 1 to 7 are common in both matters. Service is complete on Respondent Nos. 1, 2, 4 and 5 in both SLPs through AD card. A period of more than thirty days has already elapsed from the date of issue of the notice by registered post, by neither AD card nor unserved registered cover has been received back from common Respondent Nos. 3, 6 to 7 so far.

: 3 :

It is further submitted that show cause notice was issued to

the counsel for the petitioner for effecting dasti service on all the respondents with a request to file an affidavit of service. Counsel for the petitioner has on 28th June, 2013 filed the affidavit of service alongwith proof of service which shows service is complete.

Service is complete on Respondent Nos. 3, 6, 7 through affidavit of service.

It is also submitted that Mr. Shakil Ahmed Syed, counsel has on 28th October, 2013, filed application for impleadment on behalf of proposed impleaded party and the said application is registered as I.A Nos. 3-4 and is already included in paper books.

SLP(C) Nos. 19156-19158 of 2013.

The matters above-mentioned were listed before the Hon'ble Court on 26th August, 2013, when the Court was pleased to pass the following Order:-

"Issue notice.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, *status quo* with regard to subject property shall be maintained by all concerned in all respects.

Connect with Special Leave Petition (Civil) Nos. 18755-18756 of 2013."

It is submitted that there are 23 Respondents each in SLP No. 19156 and 19157 and 35 Respondents in SLP No. 19158 of 2013. Mr. D. Mahesh Babu, Advocate has entered appearance through caveat on behalf of Respondent No. 1 to 7 in SLP Nos. 19156 and 19157 of 2013 and Respondent No. 13 to 19 in SLP(C) No. 19158 of 2013 Counsel for the petitioner has filed process fee of Rs. 70/- and 7 spare copies. Which is deficit of Rs. 50/- alongwith 5 copies of SLP. Hence formal order and show cause notice could not be issued.

It is further submitted that counsel for the petitioner has on 17th October, 2013, application for deletion of Respondent Nos. 8 to 23 in SLP(C) No. 19156 of 2013, Respondent No. 8 to 23 in SLP(C) No. 19157 of 2013 and Respondent Nos. 20 to 35 in SLP(C) No. 19158 of 2013 and the said

: 4 :

application are registered as I.A Nos. 4-6 and the same are placed below for Hon'ble Court's kind perusal.

SLP(C) Nos. 27299-27301 of 2013.

The SLP above-mentioned was listed before the Hon'ble Court on 26th August, 2013, when the Court was pleased to pass the following order:-

"Delay condoned.

Issue notice.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, *status quo* with regard to subject property shall be maintained by all concerned in all respects.

Connect with Special Leave Petition (Civil) Nos. 18755-18756 of 2013."

SLP(C) No. 27299 of 2013

There are 18 Respondents in the matter. Mr.D.Mahesh Babu, Advocate has on 27th November, 2013, Vakalatnama and appearance on behalf of Respondent Nos. 1 to 6 and Respondent No. 7 in Common as Respondent No. 8 in SLP(C) No. 27301 of 2013.

SLP(C) No. 27300 of 2013

There are 18 Respondents in the matter. Mr.D.Mahesh Babu, Advocate has entered appearance on behalf of Respondent Nos. 1 to 7.

SLP(C) No. 27301 of 2013

There are 31 Respondents in the matter. Respondent Nos. 13, 25 to 30 are represented by Mr.D.Mahesh Babu. Service is not complete on Respondent No. 1 to 12 as counsel for the petitioner has on 23rd September, 2013, which is deficit Rs. 60/- alongwith 6 copies of SLP. Hence, formal order and show cause notice is not issued in the matter. However, counsel for the petitioner has on 17th October, 2013, filed application for deletion of Respondent Nos. 7 to 18 in SLP(C) No. 27300 of 2013 and Respondent Nos. 13 to 31 in SLP(C) No. 27301 of 2013.

SLP(C) No. 27561-27563 of 2013 and 27434 of 2013

The matter above-mentioned was listed before the Hon'ble Court on 26th August, 2013, when the Court was pleased to pass the following Order:-

"S.L.P.(Civil) No..../2013 [CC 12820-12822/2013]

Delay condoned.

Issue notice.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, *status quo* with regard to subject property shall be maintained by all concerned in all respects.

Connect with Special Leave Petition (Civil) Nos. 18755-18756 of 2013.

S.L.P.(Civil) No..../2013 [CC NO. 12853 of 2013]

Permission to file special leave petition is granted.

Delay condoned.

Issue notice.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, *status quo* with regard to subject property shall be maintained by all concerned in all respects.

Connect with Special Leave Petition (Civil) Nos. 18755-18756 of 2013."

Subsequently, the matter above-mentioned was listed before the Ld.Registrar Court on 12th November, 2013, when he was pleased to pass the following Order:-

"SLP(C)Nos.27561-27563/2013

The process fee filed is deficit as well as delayed. The learned counsel for the petitioner has explained the delay. Hence condoned. Petitioner is granted two weeks' more time, as last chance for remitting the process fee and spare copy. If steps are taken, issue notice. Await return of notice.

The served respondents may file their counter affidavit.

List the deletion application before the Hon'ble Judge in chamber.

SLP(C)No. 27434/2013

The process fee remitted is delayed by 15 days. Delay is explained by the learned counsel. Hence condoned. Issue notice. Await. The served respondents may file their counter affidavit.

List the I.A for deletion before the Hon'ble Judge in Chamber.

Await orders of the Hon'ble Judge in Chamber on deletion applications.

List the matters on 8.1.2014."

SLP(C) No. 27561-27563 of 2013.

It is submitted to the Hon'ble Court that there are 13 Respondents in SLP Nos. 27561, 27562 of 2013 and 25 Respondent in SLP(C) No. 27562 of 2013. Mr.D.Mahesh Babu, Advocate he has entered appearance on behalf of Respondent Nos. 1 to 7 in SLP Nos. 27561 and 27562 of 2013 and Respondent Nos. 13 to 19 in SLP(C) No. 27563 of 2013.

: 6 :

It is further submitted that counsel for the petitioner has on 17th October, 2013, filed Application for deletion of Respondent Nos. 8 to 13 in SLP Nos. 27561 & 27562 of 2013 and Respondent Nos. 20 to 25 in SLP(C) No. 27563 of 2013 and the same are placed below for Hon'ble Court's kind perusal.

SLP(C) No. 27434 of 2013

There are 9 respondents in the matter. Counsel for the petitioner has only on 17th October, 2013, filed process fee of Rs. 70/- alongwith 7 sets of SLP which is barred by time by 15 days and delay of 15 days condoned vide Id.Registrar order dated 12th November, 2013 and show cause notice in this matter being issued. However, Mr. D.Mahesh Babu, Advocate has on 27th November, 2013 entered appearance on behalf of Respondent Nos. 1 to 7.

It is further submitted to the Hon'be Court that counsel for the petitioner has on 17th October, 2013, filed Application for deletion of Respondent Nos. 8 and 9 and the same are placed below for Hon'ble Court's kind perusal.

SLP(C)Nos. 38018-38020 of 2013, 38022-38024 of 2013 and 38025 of 2013.

The matter above-mentioned was listed before the Hon'ble Court on 9th December, 2013, when the Court was pleased to pass the following Order:-

“Permission to file special leave petitions is granted.

Delay condoned in filing applications for substitution.

Applications for bringing on record the legal representatives of deceased petitioner No. 5 - Rasheed Syed in S.L.P. (C) ...CC Nos. 17493-17495 of 2013, petitioner No. 1 - Moizuddin Mahamood in S.L.P. (C)...CC No. 18651 of 2013 and petitioner Nos. 10 - Sultana Begum and 37 - Kareemunissa Begum in S.L.P. (c) ...CC Nos. 17969-17971 of 2013 are granted. Amended cause-title shall be filed by the advocate-on-record within one week from today.

Delay condoned.

Issue notice.

Dasti, in addition to the ordinary process.

In the meanwhile, status-quo with regard to the subject property shall be maintained by all concerned in all respects.

Connect with S.L.P. (C) Nos. 19156-19158 of 2013."

: 7 :

It is submitted that formal order and Show cause notice could not be issued as counsel has not filed process fee alongwith spare copies in all SLPs so far.

SLP Nos. 38018-38020 of 2013

There are 13 Respondent in SLP(C) nos. 38018 and 38019 of 2013 and 26 Respondent in SLP(C) No. 38020 of 2013. Mr.D.Mahesh Babu, Advocate has filed Vakalatnama and appearance on behalf of Respondent Nos. 1 to 6 SLP(C) No. 38018 of 2013, Respondent No. 1 in SLP(C) No. 38019 of 2013 and Respondent Nos. 20 to 25 in SLP(C) No. 38020 of 2013

It is further submitted Lrs. of deceased petitioner no. 5 are brought on record vide this Hon'ble Court's order and cause title has been amended.

SLP(C) Nos. 38022-38024 of 2013

It is submitted that there are 88 Respondents in the matter in SLP(C) No. 38022 and 38023 of 2013 and 102 Respondent in SLP(C) No. 38024 of 2013.

It is further submitted Lrs. of deceased Petitioner Nos. 10 and 37 in SLP(C) No. 38022 and 38023 of 2013 and Petitioner No. 31 in 38024 of 2013 are brought on record vide this Hon'ble Court order and cause title has been amended.

SLP(C) No. 38025 of 2013

There are 8 Respondent in the matter Mr.D.Mahesh Babu, Advocate has entered appearance on behalf of Respondent Nos. 1 to 7 and Respondent No. 8 in represented by Mr.P.N.Puri, Advocate.

Service is not complete on Respondent No. 7.

It is further submitted Lrs. of deceased petitioner no. 1 in are brought on record vide this Hon'ble Court order and cause

title has been amended. The aforesaid matter alongwith application is listed before the Hon'ble Court with this Office Report.

Dated this, the 4th day of March, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. P.N Puri, Advocate
2. Mr. D.Mahesh Babu, Advocate
3. Mr. V.N. Raghupathy, Advocate

ASSISTANT REGISTRAR