

REGISTRAR COURT NO.1

LISTED ON : 17-11-2015

ITEM NO. : 13

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 and SLP(C) 38025 of 2015 and 9996-10001 of 2015

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION Nos. 43-45

(Application for Substitution of Petitioner SLP(C) Nos. 9996-10001 of 2015)

AND

INTERLOCUTORY APPLICATION Nos. 46-48

(Application for condonation of delay in filing substitution application in SLP(C) No. 9996-10001 of 2015)

KSB ALI ETC.

...PETITIONER

-VERSUS-

STATE OF A.P & ORS.

..RESPONDENTS

OFFICE REPORT

The matters above-mentioned were mentioned before the Ld. Registrar Court on 31st August, 2015, when the following order was passed :-

"SLP(C) NO.18755-18756/2013

Among seven respondents in SLP(C) NO.18755/2013, eight respondents in SLP(C) NO.18756/2013, respondent nos. 1 to 7 are common to both matters.

Respondent nos. 1 to 6 have filed counter affidavit. Service upon respondent no.7 is complete but none has entered appearance.

Respondent no.8 in SLP(C) NO.18756/2013 has also filed counter affidavit.

An application for impleadment on behalf of the proposed respondent has been filed, has also been registered as IA Nos. 3-4. Be updated in the Chamber pool. **SLP(C) No. 19156-19158/2013**

Respondent Nos.6 and 7 of SLP(C) No.19158/2013 have not been served. Petitioner still to provide the spare copies of the petition within two weeks time. Notices thereafter be issued.

Respondent nos. 1 to 6 of SLP(C) No.19156/2013, respondent nos. 1 to 7 of SLP(C) No.19157/2013, respondent nos. 13 to 18 of SLP(C) No.19158/2013 have failed to file counter affidavit despite the warning of last opportunity. Further opportunity is therefore declined.

Service upon respondent no.7 of SLP(C) No.19156/2013, respondent no.19 of SLP(C)

No.19158/2013 is complete but none has entered appearance.

Names of respondent nos. 8 to 23 in SLP(C) No.19156-57/2013 and respondent Nos. 20 to 35 in SLP(C) No.19158/2013 have already been deleted vide Hon'ble Court's order dt.7.3.2014.

SLP(C) No. 27299-27301/2013

Respondent Nos. 1,3 and 6 of SLP(C) No.27301/2013 are yet to be served. Ld. Counsel for the petitioner to take fresh steps to effect service. Be taken within two weeks time. Notice thereafter be issued.

SLP(C) No. 27561-27563/2013

Respondent nos. 1,3,6 and 7 of SLP(C) No.27563/2013 are yet to be served. Ld. Counsel for the petitioner to take fresh steps for the same. Be taken within two weeks time. Notices thereafter be issued.

Respondent no.1 of SLP(C) No.27562/2013 has filed counter affidavit.

However, served respondents Nos. 1 to 6 of SLP(C) No.27561/2013, respondent nos. 2 to 7 of SLP(C) No.27562/2013 and respondent nos. 13 to 18 of SLP(C) No.27563/2013 have failed to file counter affidavit. Their opportunity has already been declined.

Service upon respondent no.7 of SLP(C) No.27561/2013 and respondent no.19 of SLP(C) No.27563/2013 is complete but none has entered appearance.

Names of respondent nos. 8 to 13 in SLP(C) No.27561-27562/2013 and respondent nos. 20 to 25 in SLP(C) No.27563/2013 have already been deleted vide Hon'ble Court's order dt.7.3.2014.

SLP(C) No. 38025/2013

Among eight respondents herein, opportunity of respondent nos. 1 to 6 to file counter affidavit has already been declined.

Service upon respondent no.7 is complete but none has entered appearance.

Registry to report the status of counter affidavit of respondent no.8.

SLP(C) No. 9996-10001/2015

Respondent nos. 2,3,6 and 7 are yet to be served. Ld. Counsel for the petitioner to take fresh steps within two weeks time. Notices thereafter be issued.

Remaining three respondent nos. 1,4 and 5 have duly been served but one has entered appearance.

List again on 17.11.2015.”

Service position of SLPs are as under:

SLP(C) Nos. 18755-18756 of 2013:

It is submitted that there are seven respondents in SLP(C) No. 18755 and eight respondents in SLP(C) No. 18756 of 2013. Respondent Nos. 1 to 7 are common in both matters. Mr. S. Udaya Kumar Sagar, Advocate has on 28th August, 2014 filed vakalatnama/appearance on behalf of respondent no. 8 in SLP(C) No. 18756 of 2013 after taking "No objection" from Mr. D. Mahesh Babu, Advocate. Counter affidavit had been filed on behalf of respondent no. 8 by the then Advocate, Mr. D. Mahesh Babu. He has requested to treated the same counter affidavit in all SLPs on behalf of Hyderabad Metropolitan Development Authority.

It is submitted that M/s. Venkat Palwai Law Associates, Advocates have on 2nd July, 2015 filed counter-affidavit on behalf of Respondent Nos. 1 to 6. Service is complete on respondent no. 7 in both SLPs through affidavit of service, but no one has entered appearance so far.

Service is complete.

It is also submitted that Interlocutory Application for Impleadment were dismissed for non prosecution vide Hon'ble Court's order dated 15th September, 2015.

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

It is submitted that counsel for the Petitioner has only on 15th October, 2015 filed copies of SLP for effecting service on unserved Respondent Nos. 6 and 7 in SLP(C) No. 19158 of 2013 and show cause notice was issued on 6th November, 2015. Service of show cause notice in respect of Respondent Nos. 6 and 7 in SLP(C) No. 19158 of 2013 is awaited.

It is also submitted that there are 23 common Respondents each in SLP Nos. 19156 and 19157 of 2013 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 6 in SLP Nos. 19156 of 2013 and Respondent Nos. 2 to 7 in SLP(C) No.19157 of 2013 and Respondent No. 13 to 18 in SLP(C) No. 19158 of 2013. Opportunity of filing counter affidavit is declined on vide this Hon'ble Court's Order dated 31st August, 2015.

It is lastly submitted that Mr. S. Udaya Kumar Sagar, Advocate has on 3rd September, 2015 filed vakalatnama/appearance on behalf of Respondent No. 1 in SLP(C) No. 19157 of 2013. Mr. D. Mahesh Babu, the earlier counsel for HMDA has filed counter affidavit in main SLP and requested to treated the same counter affidavit in all SLPs on behalf of Hyderabad Metropolitan Development Authority.

Service may be deemed to be complete on respondent no. 7 in SLP(C) No. 19156 of 2013 and respondent no. 19 in SLP(C) No. 19158 of 2013 through affidavit of service in main matter but no one has entered appearance so far.

It is further submitted that name of Respondent Nos. 8 to 23 in SLP(C) No. 19156 of 2013 and in SLP(C) No. 19157 of 2013 and Respondent Nos. 20 to 35 in SLP(C) No. 19158 of 2013 are deleted vide this Hon'ble Court's order dated 7th March, 2014.

Service is not complete on Respondent nos. 6 and 7 in SLP(C) No. 19158 of 2013 .

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

It is submitted that counsel for the Petitioner has only on 15th October, 2015 filed Spare Copies of SLP for effecting service on unserved Respondent Nos. 1,3 and 6 in SLP(C) 27301 of 2013 and show cause notice was issued on 30th October, 2015. Service of Show Cause Notice is awaited in respect of Respondent Nos. 1, 3 and 6 in SLP(C) No. 27301 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, filed vakalatnama and appearance on behalf of Respondent Nos. 1 to 6 Opportunity of filing counter affidavit is declined on vide this Hon'ble Court's Order dated 31st August, 2015. Name of respondent nos. 7 to 18 have been deleted vide this Court's order dated 7th March, 2014.

Service is complete.

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. 2 to 7 Opportunity of filing counter affidavit is declined on vide this Hon'ble Court's Order dated 31st August, 2015. Counter affidavit on behalf of respondent no. 1 has been filed in main matter i.e. SLP(C) Nos. 18755-18756 of 2013. Name of respondent nos. 8 to 18 have been deleted vide this Court's order dated 7th March, 2014.

It is lastly submitted that Mr. S. Udaya Kumar Sagar, Advocate has on 3rd September, 2015 filed vakalatnama/appearance on behalf of Respondent No. 1 in SLP(C) No. 27300 of 2013 Mr. D. Mahesh Babu, the earlier counsel for HMDA has filed counter affidavit in main SLP and requested to treated the same counter affidavit in all SLPs on behalf of Hyderabad Metropolitan Development Authority.

Service is complete.

SLP(C) No. 27301 of 2013

There are 31 Respondents in the matter. Names of respondent nos. 13 to

31 have been deleted vide this Court's order dated 7th March, 2014. Service is complete on Respondent Nos. 5, 7, 8, 9, 11, 12 through A. D. Card but no one has entered appearance so far. AD card received from Respondent Nos. 2, 4 in connected matter but one has entered appearance so far.

Service is not complete on Respondent No. 1, 3, 6 in SLP(C) No. 27301 of 2013.

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

It is submitted that counsel for the Petitioner has only on 15th October, 2015 filed copies of SLP for effecting service on Respondent Nos. 1, 3 and 6 and 7 in SLP (C) No. 27563 of 2013 and show cause notice was issued on 4th November, 2015. Service of Show Cause Notice in respect of Respondent Nos. 1, 3, 6 and 7 in SLP(C) No. 27563 of 2013 is awaited.

It is submitted to the Hon'ble Court that there are 13 Respondents each in SLP Nos. 27561 and 27562 of 2013 and 25 Respondent in SLP(C) No. 27563 of 2013. Mr.D.Mahesh Babu, Advocate has entered appearance on behalf of Respondent Nos. 1 to 6 in SLP Nos. 27561 and Respondent no. 2 to 7 in SLP(C) No. 27562 of 2013 and Respondent Nos. 13 to 18 in SLP(C) No. 27563 of 2013 but no counter affidavit has been filed except on behalf of Respondent No. 1 in SLP(C) No. 27562 of 2013 and Opportunity of filing counter affidavit is declined on vide this Hon'ble Court's Order dated 31st August, 2015.

It is lastly submitted that Mr. S. Udaya Kumar Sagar, Advocate has on 3rd September, 2015 filed vakalatnama/appearance on behalf of Respondent No. 1 in SLP(C) No. 27562 of 2013 Mr. D. Mahesh Babu, the earlier counsel for HMDA has filed counter affidavit in main SLP and requested to treated the same counter affidavit in all SLPs on behalf of Hyderabad Metropolitan Development Authority.

Service may be deemed to be complete on respondent no. 7 in SLP(C) No. 27561 of 2013 and respondent no. 19 in SLP(C) No. 27563 of 2013 as affidavit of service of dasti notice has been received in main matter.

Names 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 have been deleted vide this Hon'ble Court's order dated 7th March, 2014.

Service is not complete on respondent nos. 1, 3, 6 and 7 in SLP (C) No. 27563 of 2013.

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 6 Opportunity of filing

counter affidavit is declined on vide this Hon'ble Court's Order dated 31st August, 2015. and Respondent No. 8 in represented by Mr. P.N.Puri, Advocate. Mr. S. Udaya Kumar Sagar, Advocate has filed vakalatnama/appearance on behalf of Respondent No. 7. Mr. D. Mahesh Babu, the earlier counsel for HMDA has filed counter affidavit in main SLP and requested to treated the same counter affidavit in all SLPs on behalf of Hyderabad Metropolitan Development Authorit.

Service is complete.

SLP(C) Nos. 9996-10001 of 2015

The matters above-mentioned were listed before the Hon'ble Court on 27th March, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“Heard.

Permission to file the special leave petition is granted.

Issue notice.

Notice shall issue in the application for substitution and also in the application for condonation of delay in filing substitution.

Since respondents no.8 onwards are only proforma respondents, notice to them is dispensed with in the present special leave petition.

Tag along with SLP(C) Nos.18755-18756 of 2013.”

It is submitted to the Hon'ble Court that there were 27 Respondents in SLP(C) No. 9996 of 2015, 22 Respondents in SLP(C) No. 9997 of 2015, 70 Respondents in SLP(C) No. 9998 of 2015, 20 Respondents in SLP(C) No. 9999 of 2015, 28 Respondents in SLP(C) No. 10000 of 2015 and 31 Respondents in SLP(C) No. 10001 of 2015 and notice to respondent no. 8 onwards is dispensed with in all the SLPs in view of this Hon'ble Court's Order dated 27th March, 2015.

It is submitted that service is complete on Respondent No. 1, 4, and 5 in all SLP through A.D. card but no one has entered appearance so far.

It is also submitted that counsel for the Petitioner has not filed five copies of SLP for effecting service on Respondent Nos. 2,3,6 in SLP(C) No. 9997 of 2015 and SLP(C) No. 9998 of 2015 and SLP(C) No. 9999 of 2015 and on Respondent Nos. 2, 3, 6 and 7 in SLP(C) No. 9996 of 2015 and SLP(C) No. 10000 of 2015 and SLP(C) No. 10001 of 2015 .

It is also submitted that Mr. S. Udaya Kumar Sagar, Advocate has filed vakalatname/appearance on behalf of Respondent No. 7 in SLP(C) No. 9997 of 2015, SLP(C) No. 9998 of 2015, SLP(C) No. 9999 of 2015 respectively but he has not filed counter affidavit on their behalf.

It is also submitted that Mr. S. Udaya Kumar Sagar, Advocate has filed vakalatname/appearance on behalf of Respondent Nos. 15, 16, 19 in SLP(C) No. 9996 of 2015, SLP(C) No. 10000 of 2015, SLP(C) No. 10001 of 2015 respectively.

However notice to respondent no. 8 onwards is dispensed with in all the SLPs in view of this Hon'ble Court's Order dated 27th March, 2015.

It is submitted that A. D card duly signed has been received from Respondent No. 1, 4, and 5 in all SLP but no one has entered appearance so far.

Service is not complete on Respondent Nos. 2,3,6 in SLP(C) No. 9997 of 2015 and SLP(C) No. 9998 of 2015 and SLP(C) No. 9999 of 2015 and on Respondent Nos. 2, 3, 6 and 7 in SLP(C) No. 9996 of 2015 and SLP(C) No. 10000 of 2015 and SLP(C) No. 10001 of 2015 .

The aforesaid matter are listed before the Ld. Registrar Court with this Office Report.

Dated this, the 16th day of November, 2015.

ASSISTANT REGISTRAR

Copy to:

1. Mr. P.N Puri, Advocate
17, Lawyers Chambers
2. Mr. D.Mahesh Babu, Advocate
18, New Lawyers Chambers
3. Mr.V.N.Raghupathy, Advocate
4. Mr. S. Udaya Kumar Sagar, Advocate
18-Central Lane, 1st Floor, Bengali Market, New Delhi-01
5. Mr. Shakil Ahmed Syed, Advocate
201, New Lawyers Chambers
6. Mr. Guntur Prabhakar, Advocate
7. M/s. Venkat Palwai Associates, Advocate

ASSISTANT REGISTRAR