

IT E M NO.103

COU R T NO.9

SECT I O N P I L

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

W R I T P E T I T I O N (CIV I L) NO(s). 230 OF 2001

M. K. BA L A K R I S H N A N & ORS.

Petitioner(s)

VE R S U S

UN IO N OF IN D I A & ORS.

Respondent(s)

(With appln(s) for ad-interim ex-parte stay)

Date: 26/02 /2009 This Petition was called on for hearing today.

COR A M :

HON' B L E M R. JUST I C E LO K E S H W A R S I N G H P A N T A
HON' B L E M R. JUST I C E B. SUD E R S H A N R E D D Y

For Petitioner(s) Mr. Gopal Sankaran, Adv.

Mr. Radha Kanta Tripathy, Adv.
Mr. Radha Krishna Kumar, Adv.
Mr. Parmanand Pandey, Adv.

Mr. Naresh Kumar, Adv.

For Respondent(s)

Mr. T.S. Doabia, Sr. adv.

For UOI

Ms. Sunita Sharma, Adv.
Mr. S.N. Terdal, Adv.

Mr. B.V. Balaram Das, Adv.

For NCT of Delhi &

Mr. S.W.A. Qadri, Adv.

UTs of Andaman &

Ms. Sunita Sharma, Adv.

Nicobar, Daman & Diu

Mrs. Anil Katiyar, Adv.

and Dadar Nagara Haveli M r. D.S. Mahra, Adv.

For State of J& K Mr. Anis Suhrawardy, Adv.

Mr. S. Mehdi Imam, Adv.
Mr. Tabroz Ahmed, adv.

For State of Goa Ms. A. Subhashini, Adv.

For State of W. B.

Mr. Avijit Bhattacharjee, Adv.
Mr. Saumya Kundu, Adv.

For State of T.N. Mr. Shunmuga Sundaram, Sr. Adv.

Mr. Prashanth P., adv.
Mr. V. Vasudevan, Adv.
Mr. T. Harish Kumar, Adv.

Mr. B.B. Singh, Adv. (NP)

For State of Tripura

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Mr. Rituraj Biswas, Adv.

For State of Bihar

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.
Mr. Somanath Padhan, Adv.

For State of A.P. Mr. I. Venkatanarayana, Sr. Adv.
Mr. Rahul Shukla, Adv.
Mr. Manoj Saxena, Adv.
Mr. T.V. George, Adv.

For UT of Chandigarh Ms. Kamini Jaiswal, Adv.

For State of H.P. Mr. Naresh K. Sharma, Adv.
Mr. R.S. Suri, Adv. (NP)

For State of Sikkim Mrs. Aruna Mathur, adv.
for M / S Arputham, Aruna & Co., Adv.
Mr. R. Ayyam Perumal, Adv.

For State of Mizoram Mr. K.N. Madhusoodhanan, Adv.
Mr. M. K. Michael, Adv.
Mr. Ranjan Mu kherjee ,Adv

For UT of Pondicherry Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Praburamasubramanian, Adv.

For State of M. P. Mr. Vikrant Singh Bais, Adv.
Ms. Vibha Datta Ma k hija, adv.
Mr. B.S. Banthia, Adv. (NP)

For State of Manipur Mr. K hwaira kpam Nobin Singh ,Adv
Mr. Radha Shyam Jena, Adv.
Mr. Anil Shrivastav, Adv. (NP)
Mr. R. Nedumaran, Adv. (NP)

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For State of Assam Mr. Riku Sarma, Adv.
for M / S Corporate Law Group, Adv.
Ms. Sumita Hazarika, Adv. (NP)

For State of Kerala Mr. P.V. Dinesh, Adv.

For State of Rajasthan Dr. Manish Singhvi, AAG
Mr. Sandeep Bajaj, adv.
Mr. Milind Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

This Court on 20/01 / 2009 passed the following order.

"In this public interest writ petition, this Court in the year 2001 issued notices to all the respondents directing them to submit their counter affidavits to the writ petition. Despite repeated adjournments sought by the learned counsel for the

respondents, no counter affidavit(s) has been filed by some States and Union Territories. Today, the learned counsel appearing on behalf of the defaulting respondents have again prayed for further time for submitting their counter affidavits. Looking to the nature of the public interest expounded by the petitioners in this writ petition, we, by way of last chance, are obliged to grant four weeks further time from today to the defaulting respondents to do the needful. In default of not complying with this order, Chief Secretary of the defaulting State/Union Territory shall remain personally present in this Court on the

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next date of hearing."

The Office Report dated 25.2.2009 submitted by the Registry of this Court reveals that pursuant to our order, certified copy of the Record of Proceedings was issued to all the States and Union Territories for compliance vide Registry's letter dated 27.1.2009.

Pursuant to the abovesaid order most of the States and Union Territories have filed their counter affidavits/ responses. The States of Andhra Pradesh (respondent No. 2), Goa (respondent No. 8), Haryana (respondent No. 9), Karnataka (respondent No. 12), Maharashtra (respondent No. 15), Uttar Pradesh (respondent No. 26) and Govt. of NCT of Delhi (respondent No. 6) have not complied with the aforesaid order and have failed to file their counter affidavits/responses.

Today, Mr. I. Venkatanarayana, learned senior counsel appearing for the State of Andhra Pradesh, Ms. A. Subhashini, learned counsel appearing for the State of Goa, Mr. S.W.A. Qadri, learned counsel appearing for the Govt. of NCT of Delhi and Mr. Sanjay R. Hegde, learned counsel appearing for the State of Karnataka have prayed for some more time to file the counter affidavits/responses of their respective States. No one appears for the States of Uttar Pradesh, Haryana and Maharashtra, nor these States have complied with the order dated 20.1.2009 of this Court.

In these circumstances, let notice be issued to the Chief Secretaries to the States of Haryana, Maharashtra and Uttar Pradesh to be personally present in this Court on 26th March, 2009 at 10.30 a.m.

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The States of Andhra Pradesh, Goa, Karnataka and Govt. of NCT of Delhi are permitted to file their respective counter affidavit/response within three weeks from today. We make it clear to the counsel appearing for these States that in case their counter affidavits/responses are not filed within the stipulated period, the respective Chief Secretaries of these States shall also remain personally present on 26th March, 2009 at 10.30 a.m.

Learned counsel for the petitioners is permitted to file an application for impleadment of the newly created States of Uttarakhand, Jharkhand and Chattisgarh.

List this matter on 26th March, 2009.

(Ajay Kr. Jain)
Court Master

(Vinod Kulvi)
Court Master