

SECTION IV B

Listed on 12.04.2016

Court No.2

IN THE SUPREME COURT OF INDIA Item No. 13
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 35396
OF 2011, 30688-89 OF 2012 AND CC No. 20418-425 OF 2013

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 4 IN SLP (C) No. 35396 OF
2011

(Application for impleadment of Respondents)

AND

INTERLOCUTORY APPLICATION NO.1 IN SLP (C) Nos. 30688-89
OF 2012

(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NOS.1-4 & 5-12 IN SLP (C) CC
No. 20418-425 OF 2013

(Application for condonation of delay in filing and
refiling SLP)

GAUHSALA TRUST BHIWANI Etc.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

OFFICE REPORT

SLP (C) No.35396/2011

The matter above mentioned was listed before the
Hon'ble Court on 30.04.2012 and 23.07.2013, when the
Court was pleased to pass the following order:-

"Order dated 30.04.2012

Issue notice.

Dr. Dhawan, learned senior counsel
appearing for the petitioner states, on
instructions, that no development activity has
yet taken place on the entire land under
acquisition.

In view of the submission, we direct
that status quo with regard to nature, title
and possession of the subject land shall be
maintained till further orders.

Oderd dated 23.07.2013

Learned counsel for the State of Haryana informs us that he is under instructions to convey, that in furtherance of the undertaking given by the State of Haryana to the High Court (duly noticed in the impugned order) the different plots of land which were erroneously ordered to be released from acquisition, are in the process of being acquired. In this behalf, it has been pointed out, that the draft Notification under Section 4 of the Land Acquisition Act, 1894 has since been prepared and placed before the Competent Authority for approval.

In view of the factual position indicated hereinabove, we are of the view that if the State Government is seriously interested in acquiring the plots of land under reference, the Notification under Section 4 of the Land Acquisition Act, 1894 will be issued within one month from today.

Notification, if any, issued under Section 4 be placed on record, before the next dated of hearing.

List again on 3rd September, 2013."

It is submitted that Mr. Kamal Mohan Gupta, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent Nos. 1-3 and Counter Affidavit on behalf of Respondent Nos. 1-2. Mr. Ajay Pal, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 4 (HUDA), but has not filed Counter Affidavit so far. Counsel for the petitioner has filed Rejoinder Affidavit to the Counter Affidavit on behalf of Respondent Nos. 1-2. Copies of Counter Affidavit and Rejoinder Affidavit have been included in the paper books.

Service of show cause notice is complete.

It is further submitted that Mr. Kamal Mohan Gupta and Mr. Ajay is no more Standing Counsel for the State of Haryana and concerned Department. No one has entered appearance on their place so far.

It is further submitted that additional documents filed by the Counsel for the petitioner has already been included in the paper books.

It is further submitted that pursuant to Hon'ble Court's order dated 23.07.2013. Counsel for respondent has filed Notification No. LAC (H) 2013/NTLA/564 dated 26.08.2013 under Section 4 of the Land Acquisition, Act 1894. Copy of the same has been included in the paper books.

It is further submitted that Mr. Atul Sharma, Advocate has filed an application for impleadment on behalf of one applicant as party respondent with Vakalatnama. The same is registered as I.A. No. 4. Copy of the same has been included in the paper books.

The matter above mentioned was lastly listed before the Hon'ble Court on 03.09.2013, when the Court was pleased to pass the following order:-

" List on 13th November, 2013."

SLP (C) Nos.30688-689/2012

The matters above mentioned were listed before the Hon'ble Court on 21.09.2012, when the Court was pleased to pass the following order:-

" Issue notice on the applications seeking condonation of delay and in the special leave petitions.

Dr. Dhawan, learned senior counsel appearing for the petitioner states, on instructions, that no development activity has yet taken place on the entire land under acquisition. In view of the submission, we direct that status quo with regard to nature, title and possession of the subject land shall be maintained till further orders."

It is submitted that show cause notice was issued to all the 3 respondents through registered A. D. on

05.11.2012. Mr. Kamal Mohan Gupta, Advocate has on 18.02.2013 filed Vakalatnama & Memo of Appearance on behalf of respondent no. 3 only and he has also on 03.04.2013 filed counter affidavit on behalf of respondent nos. 1 and 2 but he has not filed Vakalatnama & Memo of Appearance on behalf of respondent nos. 1 and 2 so far. (Counter Affidavit has been included in the SLP paper books). A. D. Cards duly signed has been received back from respondent nos. 1 and 2.

The matters above mentioned were listed before the Ld. Registrar Court on 16.08.2013, when the following order was passed:-

" Service is complete. Respondent Nos. 1 & 2 have filed their counter affidavit but vakalatnama is not filed. Ld.counsel for the above respondent submits that vakalatnama has been received and will be filed in the course of the day. File vakalatnama as submitted. List the matter before the Hon'ble Court as per rules."

It is submitted that Mr. Kamal Mohan Gupta, Advocate has not filed Vakalatnama & Memo of Appearance on behalf of respondent nos. 1 and 2 so far.

It is further submitted that counsel for the petitioner has on 20.11.2013 filed rejoinder affidavit. (Copy of the same has been included in SLP paper books).

The matter above mentioned was listed before the Hon'ble Court on 22.11.2013, when the Court was pleased to pass the following order:-

" Perused the letter dated 20.11.2013 circulated by learned counsel for the petitioners.

Learned counsel for the petitioners states that the issues raised in the present Special Leave Petitions is identical with the issues raised in

S.L.P.(C)No.35396 of 2011. Placing on record the statement so made by learned counsel for the petitioners, we tag these Special Leave Petitions with S.L.P. (C)No.35396 of 2011."

It is further submitted that Mr. Kamal Mohan Gupta is no more Standing Counsel for the State of Haryana. No one has entered appearance on his behalf.

Service of show cause notice is complete.

SLP (C) CC Nos. 20418-425/2013

The matters above mentioned were listed before the Hon'ble Court on 03.01.2014, when the Court was pleased to pass the following order:-

" Tag with S.L.P.(Civil) No.35396 of 2011.
List after four weeks."

Accordingly, the matters have been tagged with SLP (C) No.35396 of 2011 and are therefore listed.

These are fresh matters.

The matters above mentioned were lastly listed before the Hon'ble Court on 27.01.2016, when the Court was pleased to pass the following order:-

" List these matters on 5th February, 2016."

The matters above mentioned, are listed before the Hon'ble Court with this office report.

Dated this the 11th day of April, 2016.

ASSISTANT REGISTRAR

Copy to :- Mr. J. S. Chhabra, Adv.
Mr. Kamal Mohan Gupta, Adv.
Mr. Atul Sharma, Adv.

ASSISTANT REGISTRAR