

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A.No.3-12 in CIVIL APPEAL NO. 2905-2906 OF 2005

DR. G. HARAGOPAL & ORS

Appellant (s)

VERSUS

SOUTH CENTRAL RAILWAY & ORS.

Respondent(s)

(For impleadment and clarification and direction and office report)

Date: 19/07/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s) Mr. Colin Gonsalves, Sr.Adv.

Mr. Vipin M. Benjamin, Adv.

Ms. Puja Sharma, Adv.

Ms. Jyoti Mendiratta, Adv.

For Respondent(s)

Mr. Mukul Rohtagi, Sr.Adv.

Mr. A.D.N. Rao, Adv.

Mrs.D. Bharathi Reddy, Adv.

Mr. B. Sridhar, Adv.

Mr. K. Ram Kumar, Adv.

Mrs. Madhavi, Adv.

Mrs. Kiran Bhardwaj, Adv.

Mr. B. Krishna Prasad ,Adv

Mr. Nikhil Nayyar, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A.Nos.3-4:

The I.A. is allowed and the applicant is impleaded as party respondent.

I.A.Nos.5-6:

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Having heard learned counsel for the parties and having perused the record, it seems evident that order dated 25th April, 2005 in Civil Appeal Nos.2905-2906/2005 is not applicable to the issues which were considered by the High Court in Writ Petition No.7848 of 2003 decided by a Division Bench of the High Court in terms of detailed judgment dated 20th July, 2004. It is not in dispute that the said judgment has not been challenged either by the appellants or the writ petitioner before the High Court. The said judgment is also not under challenge in these Appeals. The appellants in these appeals have also not filed any substantive petition seeking permission of this Court to challenge the judgment of the High Court dated 20th July, 2004. It is thus evident that the order dated 25th April, 2005 has nothing to do with the issues and the project covered by the judgment of the Division Bench, dated 20th July, 2004.

The application is disposed of in view of the above. If the appellants in the Civil Appeals have any right to challenge judgment dated 20th July, 2004, the same would not be prejudiced by the present order. The order will also not prejudice the A.P.Pollution Control Board or other respondents in the writ petition before the High Court to take appropriate action in terms of the judgment of the High Court dated 20th July, 2004.

I.A.No.7-8:

On 25th November, 2005, an order was passed that the State Government or the concerned authority would pay the fees of the Committee as set out in

I.A.No.5-6. It seems that wrong number of I.A. has been given. The correct

number is I.A.No.7-8. The fees, as per the I.A., is Rs.50,000/-. That order has still not been complied with. In terms of the order dated 25th November, we direct that payment of Rs.50,000/- shall be made by the State Government or the concerned authority within four weeks from today. It is for the State Government to sort out with the authority but as far as the payment is concerned, it shall be made to the

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Committee within four weeks from today.

The I.A. is disposed of accordingly.

I.A.Nos.9-10 & 11-12:

These applications are dismissed.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Asstt.Registrar