

**SECTION XII**

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NOS. 3438-3440, 3441-3444, 3445-3446 OF 2008**

**WITH**

**SPECIAL LEAVE PETITION(C) NOS. 29114-29115 OF 2008**

**AND**

**CIVIL APPEAL NOS. 4006-4008 OF 2010**

**WITH**

**INTERLOCUTORY APPLICATION NOS. 7-10**

**(Applications for direction in Civil Appeal Nos. 3441-3444  
of 2008)**

M/s. Madras Cements Limited Etc. ...Appellants

versus

The State of Tamil nadu & Ors. Etc. ...Respondents

**OFFICE REPORT**

The matters above mentioned alongwith main matter were listed before the Hon'ble Court on 5<sup>th</sup> January, 2016, when the Hon'ble Court was pleased to pass the following order:-

**"We find that these cases are already  
listed on 29<sup>th</sup> March, 2016.**

**Post the matters accordingly."**

**CIVIL APPEAL NOS. 3438-3440 OF 2008**

The matters above mentioned have been filed against their Judgment and order dated 16<sup>th</sup> October, 2006 of the High Court of Judicature at Madras in WA No. 1068, 1069 and 1070 of 2003.

It is submitted that there are three Respondents common in all the appeals. Respondent Nos. 2 and 3 are represented through Mr. B. balaji, Advocate. Respondent No. 1 has been served with notice but no one has entered appearance on his behalf.

Service of notice is complete.

It is further submitted that Counsel for the appellant has filed statement of case and the same has been included in the appeal paper books. Counsel for the Respondent Nos. 1 and 2 has not filed statement of case.

It is humbly submitted that Order XV Rule 39 f SCR, 1966 says that where a respondent fails to lodge the statement of case within the time prescribed, the appeal shall, subject to the provision contained in the proviso to sub-rule (2) of Rule 35, be set down exparte against respondent in defeat.

...2/-

**CIVIL APPEAL NOS. 3441-3444 OF 2008**

These are appeals by special leave filed against the Judgment and Order dated 16<sup>th</sup> October, 2006 of the High Court of Judicature at Madras in W.A. Nos. 1052, 1053, 1054 & 1055 of 2003.

It is submitted that there are three respondents. Respondent Nos. 2 and 3 are represented through Mr. B. Balaji, Advocate. Respondent No. 1 has been served with the notice but no one has entered appearance so far.

Service of notice is complete.

It is further submitted that M/s. Khaitan & Co., counsel for the appellant has on 29<sup>th</sup> April, 2011 filed statement of case, but counsel for respondents has not filed statement of case in terms of Order XV, Rule 35(1) of the Supreme Court Rules, 1966 so far.

It is further submitted that M/s. Khaitan & Co., counsel for the appellant has on 28<sup>th</sup> March, 2016 filed applications for direction with affidavit alongwith Annexure-A, which is registered as Interlocutory Application Nos. 7-10 and copy of the same is circulated herewith.

**CIVIL APPEAL NOS. 3445-3446 OF 2008**

The matters above mentioned have been filed against their Judgment and order dated 16<sup>th</sup> October, 2006 of the High Court of Judicature at Madras in Writ Appeal Nos. 1791 and 1792 of 2003.

It is submitted that there are four common Respondents. Respondent Nos. 1, 2 and 4 are represented by Mr. B. Balaji common in all the appeals. Respondent No. 3 has been served by this Registry at Special Leave Petition stage.

Service of notice is complete.

It is further submitted that Mr. P. Narsimhan, Counsel for the appellant has on 1<sup>st</sup> July, 2011 filed statement of case, but counsel for respondents has not filed statement of case in terms of Order XV, Rule 35(1) of the Supreme Court Rules, 1966 so far. ...3/-

It is humbly submitted that Order XV Rule 39 f SCR, 1966 says that where a respondent fails to lodge the statement of case within the time prescribed, the appeal shall, subject to the provision contained in the proviso to sub-rule (2) of Rule 35, be set down exparte against respondent in defeat.

**SPECIAL LEAVE PETITION(C) NOS. 29114-29115 OF 2008**

The matters above mentioned were listed before the Hon'ble Court alongwith connected matters on 14<sup>th</sup> October, 2015, when the Court was pleased to pass the following order:-

**"Delay condoned.**

**Issue notice in all the fresh matters returnable within three weeks.**

**Dasti, in addition, is permitted.**

**Application for substitution is allowed.**

**Application for impleadment is allowed.**

**Heard Mr. Amarendra Sharan and Mr. Sanghi, learned senior counsel and Ms. Binu Tamta, learned counsel for the Delhi Development Authority, the petitioner and Mr. Tushar Mehta, learned Additional Solicitor General for the State of NCT of Delhi, Mr. Gaurav Banerjee, learned senior counsel for the Indraprastha Gas Limited, and Mr. Dushyant Dave, Mr. Sundaram, Mr. V. Giri and Mr. Sethi, learned senior counsel and Mr. Shankar Narayan and Ms. Chaudhary, learned counsel for the other private respondents.**

**We would like the Delhi Development Authority to make 23 categorization of the cases as we have been apprised by Mr. Shankar Narayan that there are six categories of cases. Be that as it may, we do not express any opinion on the categorization, for we would like the Delhi Development Authority to file a list indicating the categories.**

**Mr. Tushar Mehta, learned Additional Solicitor General, appearing for the NCT of Delhi shall also file a chart indicating the categorization so that it will be easy to address the lis. Apart from filing the above, Mr. Mehta shall also file a chart indicating the date of issue of notification**

issued under Section 4 or under Section 17(1) of the Land Acquisition Act, 1894, as the case may be. It shall also be indicated when the possession was taken. That apart, it shall also be indicated how much amount was deposited before the Reference Court or the Appellate Court or Treasury or the LAO and what has happened to the land in question in the interregnum period. The list of subsequent purchasers shall be filed by the DDA after obtaining the details from the office of the Sub-Registrars.

That apart, learned counsel for the DDA, namely, Ms. Binu Tamta, Mr. Vishnu B. Saharya and Mr. Ashwani Kumar shall file a list indicating in which cases interim order for stay was passed and hence, possession could not be taken over.

The copies of the chart or the list as directed hereinabove to be filed before this Court within six weeks after serving the copies of the same on the learned counsel for the respondents.

Learned counsel for the parties are at liberty to file the convenience volume containing compilation of judgments.

Let the matters be listed on 29.03.2016. It is hereby made clear that no adjournment shall be granted and hearing shall commence on that day.

Pleadings shall be completed from all angles by the second week of January, 2016."

It is submitted that Petitioner NO.2(Dead) and his Lrs. Nos. 2(i) to 2(iv) has been brought on record as per Court's order dated 14<sup>th</sup> October, 2015 and cause title has been amended and is included in the Special Leave Petition paper books.

It is further submitted that there are three common respondents in these matters. Courier receipts have been received in respect of respondent No. 2 but no one entered appearance on his behalf so far. Respondent Nos. 1 and 3 are represented through Mr. B. Balaji, Advocate and he has also on 4<sup>th</sup> April, 2014 filed adoption counter affidavit filed by the first respondent. Copy of the same has already been included in the Special Leave Petition paper books.

**CIVIL APPEAL NOS. 4006-4008 OF 2010**

These are appeals by special leave filed against the Judgment and Order dated 28<sup>th</sup> January, 2010 of the High Court of Judicature at Madras in W.A. Nos. 126 to 128 of 2010.

It is submitted that there are three common respondents. Respondent Nos. 1 and 2 are represented through Mr. B. Balaji, Advocate. Respondent No. 3 has been served with the notice but no one has entered appearance so far.

Service of notice is complete.

It is further submitted that Mrs. Prabha Swami, Counsel for the appellant has filed statement of case and Mr. B. Balaji, Counsel for the respondent has filed statement of case and copy of the same are included in the appeal paper books.

Original records in the above mentioned appeals have been returned back to the High Court in terms of circular dated 4th December, 2014.

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

Dated this, the 28<sup>th</sup> day of March, 2016.

ASSISTANT REGISTRAR

COPY TO: Mrs. Prabha Swami, Advocate.  
Mr. B. Balaji, Advocate.  
M/s. Khaitan & Co., Advocates  
Mr. P. Narsimhan, Advocate

ASSISTANT REGISTRAR