

**SECTION XII**  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NOS. 3410-3437, 3441-3444, 3438-3440 OF 2008, 4006-4008 of 2010**

WITH

**INTERLOCUTORY APPLICATION NOS. 5-6**

(Applications for substitution to bring on record the Legal Representative of deceased Petitioner No. 2)

AND

**INTERLOCUTORY APPLICATION NOS. 7-8**

(Applications for condonation of delay in filing the application for substitution )

IN

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos. 29114-29115 of 2008**

Dalmia Cement (Bharat)  
Limited Etc. Etc

...Appellants

Versus

State of Tamil Nadu & Ors.

...Respondents

**OFFICE REPORT**

The matters above-mentioned are listed before the Hon'ble Court, the detailed service position of the matters are as under:-

**CIVIL APPEAL NOS. 3410-3437 OF 2008**

The matters above mentioned have been filed against the Order dated 16<sup>th</sup> October, 2006 of the High Court of Judicature at Madras in batch of Writ Appeal Nos. 89, 543, 544, 545, 554, 555, 559, 580, 581, 582, 822, 823, 824, 872, 873, 874, 1153, 1154, 1155, 1799, 1800 and 2884, 2885, 2886, 2892 to 2895 of 2003.

It is further submitted that there are three respondents and respondent Nos. 1 and 3 in Writ Appeal Nos. 89, 1153, 1154, 1155, 2884, 2885 and 2886 of 2003, are represented by Mr. B. Balaji, Advocate. Respondent No. 2 has been served at Special Leave Petition stage.

It is further submitted that there are two common respondents in Writ Appeal Nos. 543, 544, 545, 554, 555, 559, 580, 581, 582, 822, 823, 824, 872, 873, 874, 1799, 1800 and 2892 to 2895 of 2003 are represented by Mr. B. Balaji, Advocate.

Service of notice of lodgement is complete.

It is further submitted that M/s. Khaitan & CO., Advocates for the appellant has on 8<sup>th</sup> April, 2011 filed statement of case which has been included in the Judges paper books but Counsel for the Respondent has not filed statement of case and in terms of Order XIX Rule 32(2) Supreme Court Rules, 2013, and its proviso, where a party does not file statement of case within the time prescribed, it shall be presumed that the party does not desire to file statement of cases and has adopted list of dates/synopsis as statement of case.

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

The matters above mentioned have been filed against the Order dated 16<sup>th</sup> October, 2006 of the High Court of Judicature at Madras in Writ Appeal Nos. 1052, 1053, 1054 and 1055 OF 2003.

It is submitted that there are three Respondents. Respondent Nos. 2 and 3 are common in all the appeals and are represented by Mr. B. Balaji, Advocate. Respondent No. 1 has been served by this Registry at Special leave Petition stage but no one has entered appearance so far.

Service of notice is complete.

It is submitted that Counsel for the appellant has on 29<sup>th</sup> April, 2013 filed statement of case and the same has been included in the appeal paper books but Counsel for the Respondent Nos. 2 and 3 has not filed statement of case and in terms of Order XIX Rule 32(2) Supreme Court Rules, 2013, and its proviso, where a party does not file statement of case within the time prescribed, it shall be presumed that the party does not desire to file statement of cases and has adopted list of dates/synopsis as statement of case.

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

The matters above mentioned have been filed against the 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 common Respondents in all the appeals. Respondent Nos. 2 and 3 are represented by 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.

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

These are the appeals by special leave filed against the final judgment and order dated 28<sup>th</sup> January, 2010 passed by the High Court of Judicature at Madras in Writ Appeal Nos. 126 to 128 of 2010.

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

Service of notice is complete.

It is further submitted that Mrs. Prabha Swami, Advocate for the Appellant, and Mr. B. Balaji, Advocate for Respondent Nos. 1 and 2, have filed statement of cases and the same have been included in the appeal paper books.

Original record has been sent back to the High Court in terms of circular dated 4<sup>th</sup> December, 2014.

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos. 29114-29115  
of 2008**

The matters above-mentioned were listed before the Hon'ble Court on 1<sup>st</sup> December, 2008, when the Court was pleased to pass the following Order:-

**"Application for permission to file SLP  
is allowed.**

**Issue notice regarding delay and SLP.**

**Tag with SLP(C) No. 19793 of 2006.**

**Interim stay of dispossession if the  
petitioners have not already been  
dispossessed."**

Thereafter, the applications in the matters above-mentioned were listed before the Hon'ble Court on 12<sup>th</sup> May, 2015, when the Court was pleased to pass the following Order:-

**"Issue notice in the IAs returnable in  
four weeks."**

It is submitted that there are three common respondents and accordingly Show Cause notice in the Interlocutory Applications has been issued through Mr. B. Balaji, Advocate for Respondent No. 1 and 3, and Respondent No. 2 by registered post on 14<sup>th</sup> August, 2015.

Neither A.D. Card nor unserved registered cover has been received back from Respondent No. 2.

Service is incomplete on Respondent No. 2.

The matters above mentioned are listed before the Hon'ble Court with this Report.

Dated this, the 13<sup>th</sup> day of October, 2015.

DEPUTY REGISTRAR

Copy to: Mrs. Prabha Swami, Advocate  
Mr. B. Balaji, Advocate  
M/s. Khaitan & Co. , Advocates

DEPUTY REGISTRAR