

ITEM NO.35

COURT NO.9

SECTION IV-A

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

Civil Appeal No(s).3309-3310/1997

INDRAKASHI DEVI & ORS.

Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ANR.

Respondent(s)

([ONLY C.P. NO. 688/2021 IN C.A. NO. 3310/1997 IN C.A. NOS. 3309-3310/1997 AND I.A. NO. 98276 OF 2021 IN C.A. NO. 3303/1997 AND C.A.3305/1997 ARE LISTED AGAINST THIS ITEM.])

WITH

CONMT.PET.(C) No. 688/2021 in C.A. No. 3309-3310/1997 (IV-A)

C.A. No. 3303/1997 (IV-A)

(I.A.

FOR MODIFICATION OF COURT ORDER ON IA 98276/2021

IA No. 98276/2021 - MODIFICATION OF COURT ORDER)

C.A. No. 3305/1997 (IV-A)

(FOR [APPLICATION FOR STAY] ON IA 1/1997

FOR [APPLICATION FOR IMPLEADMENT AS PARTY RESPONDENT] ON IA 2/2014

FOR CLARIFICATION/DIRECTION [AN APPLICATION FOR DIRECTION] ON IA 36967/2019

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 185406/2019

FOR EXEMPTION FROM FILING O.T. ON IA 185407/2019

IA No. 2/2014 - APPLICATION FOR IMPLEADMENT AS PARTY RESPONDENT

IA No. 1/1997 - APPLICATION FOR STAY

IA No. 36967/2019 - CLARIFICATION/DIRECTION

IA No. 185407/2019 - EXEMPTION FROM FILING O.T.

IA No. 185406/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2022 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Mr. C. Aryama Sundaram, Sr. Adv.
Mr. V. Giri, Sr. Adv.
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Mrs. Kanchan Kaur Dhodi, AOR
Mr. G. Sanjay, Adv.
Mr. T. Harish Kumar, AOR

Dr. Aditya Sondhi, Sr. Adv.
Mr. Vikas Mehta, AOR
Mr. Apoorv Khator, Adv.
Mr. Sanjay G. Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Balaji Varma, Adv.
Mr. Nikhil Swami, Adv.
Ms. Divya Swami, Adv.
Mrs. Prabha Swami, AOR

Mrs. Lalita Kaushik, AOR

Mr. Abhay Kumar, AOR

Mr. S. S. Shroff, AOR

For Respondent(s) Mr. Prabhuling K. Navadgi, AG, Karnataka
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N D B Raju, Adv.
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Mr. Guntur Prabhakar, AOR

Ms. Shirin Khajuria, AOR

Mr. Senthil Jagadeesan, AOR
Ms. Sonakshi Malhan, Adv.
Mr. Sajal Jain, Adv.
Ms. R. Raj, Adv.
Mr. Shailesh Madiyal, AOR

Mr. Pramod Dayal, AOR

R. Anand Padmanabhan, Adv. (impleader)
Debarathi Sadhu, Adv.

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

I.A. No.98276 of 2021 in I. A. No.13 of 2011 in C. A. No.3303 of 1997

This is an application for modification of the order dated 21.11.2014.

We heard Mr. Prabhuling K. Navadgi, learned Advocate General appearing on behalf of the Respondent-State of Karnataka and also Mr. C. Aryama Sundaram, learned senior counsel appearing on behalf of the appellant(s)/applicant(s).

Mr. Prabhuling K. Navadgi, learned Advocate General appearing on behalf of the State of Karnataka would point out that the appellants may not be entitled to TDR in terms of the TDR Rules. We notice the following paragraph which is under as follow:-

"10. In the above circumstances, having considered the submissions of learned counsel for the parties, including learned counsel for the parties in all the connected appeals, without prejudice to the rights of the parties, and keeping in mind the necessity of widening of the road, and the public interest, we think it just and proper to allow I.A. No.13 of 2011 subject to condition that the appellants in the present appeal and the connected appeals shall be given TDR for widening of the road as per TDR Rules."

We have noticed from the order dated 21.11.2014 that this Court has allowed the I.A. No.13 of 2011 filed by the applicant subject to the condition that the appellants will be given TDR for widening of the road as per the TDR Rules. We do not see any reason to modify the said order. It is for the applicant(s) to take action in terms of the order dated 21.11.2014.

The I.A. No.98276 of 2021 stands rejected.

CONMT.PET.(C) No. 688/2021 in C.A. Nos. 3309-3310/1997

List the matter after three months.

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER