

ITEM NO.101(PH)

COURT NO.9

SECTION XI

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

RECORD OF PROCEEDINGS

C
IVIL APPEAL NO(s). 5355 OF 2006

GAFAR & ORS.

Appellant (s)

VERSUS

MORADABAD DEVELOPMENT AUTHORITY & ANR.

Respondent(s)

WITH Civil Appeal NO. 5356 of 2006

Civil Appeal NO. 5357 of 2006

Civil Appeal NO. 5358 of 2006

Civil Appeal NO. 5359 of 2006

Civil Appeal NO. 5360 of 2006

Civil Appeal NO. 5361 of 2006

Civil Appeal NO. 5362 of 2006

Civil Appeal NO. 5363 of 2006

Civil Appeal NO. 5364 of 2006

Civil Appeal NO. 5365 of 2006

Civil Appeal NO. 5366 of 2006

Civil Appeal NO. 5367 of 2006

Civil Appeal NO. 5368 of 2006

Civil Appeal NO. 5369 of 2006

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Civil Appeal NO. 5379 of 2006
Civil Appeal NO. 5380 of 2006
Civil Appeal NO. 5381 of 2006
Civil Appeal NO. 5382 of 2006
Civil Appeal NO. 5383 of 2006
Civil Appeal NO. 5387 of 2006
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Civil Appeal NO. 5402 of 2006
Civil Appeal NO. 5403 of 2006
Civil Appeal NO. 5404 of 2006
Civil Appeal NO. 5405 of 2006
Civil Appeal NO. 5406 of 2006
Civil Appeal NO. 5407 of 2006
Civil Appeal NO. 5408 of 2006
Civil Appeal NO. 5409 of 2006

(With appln.(s) for taking addl.documents on record and with prayer for interim relief)

Civil Appeal NO. 5410 of 2006
Civil Appeal NO. 5411 of 2006

Civil Appeal NO. 5412 of 2006
Civil Appeal NO. 5413 of 2006
Civil Appeal NO. 5414 of 2006
Civil Appeal NO. 5415 of 2006
Civil Appeal NO. 5416 of 2006
Civil Appeal NO. 5418 of 2006
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Civil Appeal NO. 5438 of 2006
Civil Appeal NO. 5439 of 2006
Civil Appeal NO. 5440 of 2006
Civil Appeal NO. 5441 of 2006
Civil Appeal NO. 5442 of 2006
Civil Appeal NO. 5443 of 2006

(with appln.(s) for taking addl.documents on record)

Civil Appeal NO. 5444 of 2006
Civil Appeal NO. 5445 of 2006
Civil Appeal NO. 5446 of 2006
Civil Appeal NO. 5447 of 2006

Civil Appeal NO. 5448 of 2006
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Civil Appeal NO. 5450 of 2006
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Civil Appeal NO. 5452 of 2006

3

Civil Appeal NO. 5453 of 2006
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Civil Appeal NO. 5555 of 2006
Civil Appeal NO. 5556 of 2006

5

Civil Appeal NO. 5557 of 2006
Civil Appeal NO. 5558 of 2006
Civil Appeal NO. 5559 of 2006
Civil Appeal NO. 5560 of 2006
Civil Appeal NO. 5561 of 2006
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Civil Appeal NO. 5563 of 2006
Civil Appeal NO. 5564 of 2006
Civil Appeal NO. 5565 of 2006
Civil Appeal NO. 5566 of 2006
(With office report)
Civil Appeal NO. 5567 of 2006
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Civil Appeal NO. 5568 of 2006
Civil Appeal NO. 5569 of 2006
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Civil Appeal NO. 5570 of 2006
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Civil Appeal NO. 5571 of 2006
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(With office report)
Civil Appeal NO. 5574 of 2006

(With office report)

Civil Appeal NO. 5630 of 2006

(With office report)

Civil Appeal NO. 5575 of 2006

Civil Appeal NO. 5577 of 2006

Civil Appeal NO. 5578 of 2006

Civil Appeal NO. 5579 of 2006

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Civil Appeal NO. 5585 of 2006

Civil Appeal NO. 5586 of 2006

Civil Appeal NO. 5587

Civil Appeal NO. 5588 of 2006

Civil Appeal NO. 5589 of 2006

Civil Appeal NO. 5590 of 2006

SLP(C) No.9340/2005

(With appln.(s) for c/delay in filing SLP and C/delay in refiling SLP and permission to place addl.documents on record and with prayer for interim relief and office report)

Date: 02/05/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s)

Mr.Sunil Gupta, Sr.Adv.

6

Mr. Jatin Zaveri,Adv.

Mr.Raju Sultan, Adv.

In SLP(C) 9340/05 & Mr.Manoj Goel, Adv.

CA 5474/06

Mr.Shuvodeep Roy, Adv.

Mr.Wajeeh Shafia, Adv.

Mr.Gopal Verma, Adv.

Mr.Brij Bhusan, Adv.

For Respondent(s)

Mr. Ajay K. Agrawal, Adv.

Ms.Anamica Agrawal, Adv.

Ms.Alka Agrawal, Adv.

Mr.A.Sharan, ASG

Mr.K.Ramamurti, Sr.Adv.

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Mr.Vipin K.Saxena, Adv.

Ms.Jyoti Saxena, Adv.

Ms.Sashi Kiran, Adv.

Mr.Amit Anand Tiwari, Adv.

Mr. P. Narasimhan, Adv.

Mr. Punit Dutt Tyagi, Adv.

Mr. T. Mahipal, Adv.

Ms.Reena Singh, Adv.

Ms.Abha R.Sharma, Adv.

Mr.Syed Ali Ahmad, Adv.

Mr.Syed Tanweer Ahmad, Adv.

Mr.S.S.Bandyopadhyay, Adv.

Mr.Mohd.Shahnawaz, Adv.

Mr.S.Raza Ahmad, Adv.

Ms.Shabana Saifi, Adv.

Mr.Mohan Pandey, Adv.

Mr.K.C.Dua, Adv.

For State of U.P. Mr.S.Wasim A.Qadri, Adv.

Mr.Kamlendra Mishra, Adv.

Mr.Rajeev Dubey, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) No.9340/2005

Delay condoned.

The order under challenge is only one of remand by the High Court. The

7

High Court has remanded the reference to the Reference Court for taking a fresh

decision in accordance with law. Having gone through the judgments delivered by the

Reference Court and the High Court, we are satisfied that no fault could be found

with the order of remand or with the judgment that was relied upon as the basis for

the remand. Therefore, without prejudice to the rights of the petitioners to put

forward their claims in the appropriate manner before the Reference Court and to

prove them, this Special Leave Petition is dismissed.

In the remaining matters, Mr.Sunil Gupta, learned senior counsel appearing

on behalf of the appellants commenced his arguments at 11.15 a.m. and was on his legs when the Court rose for the day leaving the matters as part-heard.

List on 03.05.2007 as part-heard.

(Satish K. Yadav)

Court Master

(Neeru Bala Vij)

Court Master