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C.A.No. 6362 OF 2001  
PART-HEARD  
ITEM NO.101

COURT NO.6

SECTION IVA

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.6362 OF 2001

PILLAMMA & ORS.

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report )  
[With I.A. No.7 : Appln. for intervention]

With Civil Appeal No.6363 of 2001

Civil Appeal No.6364 of 2001

Civil Appeal No.6365 of 2001  
(With office report)

Civil Appeal No.6366 of 2001

Civil Appeal No.6367 of 2001

Civil Appeal No.6368 of 2001

Date: 07/10/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. C.S. Vaidyanathan, Sr. Adv.  
Mr. S. Guru Krishna Kumar, Adv.  
Ms. Srikalaa G.K., Adv.  
Mr. S.R. Setia, Adv.

Mr. D.P. Chaturvedi, Adv.  
Mr. S.N. Bhat, Adv.

Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Kh. Nobin Singh, Adv.  
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For Respondent(s) Mr. N.N. Goswami, Sr. Adv.  
Mr. Deb Das, Adv.  
Mr. Hemant Sharma, Adv.  
Ms. Sandhya Goswami, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. B.V. Balaram Das, Adv.

Mr. Sanjay R. Hegde, Adv

Mr. Anil K. Mishra, Adv.  
Mr. Mallikarjun Reddy, Adv.

For Intervenor: Mr. B.V. Niren, Adv.  
Mr. M. Veerappa, Adv.

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

Heard the learned counsel for the parties for a while.

Application filed by the writ petitioner in Writ Petition No.7976 of 2001, pending in the High Court of Karnataka, for intervention is allowed.

The civil appeals are disposed of.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6362 OF 2001

Pillamma & Ors. ...Appellant(s)

Versus

Union of India & Ors. ...Respondent(s)

W I T H

Civil Appeal Nos.6363-6368 of 2001

O R D E R

The application filed by the writ petitioner in Writ Petition No.7976 of 2001, pending in the High Court of Karnataka, for intervention is allowed.

In these appeals, the parties have arrived at a settlement, the terms of which have been put in a joint memorandum signed by the learned counsel on instructions of their respective clients. The said joint memorandum, which is filed in Court today, is taken on record. These appeals, accordingly, stand disposed of in terms of the afore-mentioned joint memorandum of settlement.

The writ petitioner in Writ Petition No.7976 of 2001 has undertaken to withdraw the writ petition, which is pending in the High Court of Karnataka. He shall do so within a period of four weeks from today.

The learned counsel for the appellants expressed some apprehension that despite the aforementioned joint memorandum of settlement, there could be a declaration under Section 3 of the Works of Defence Act, 1903, made by the first respondent-Union of India as regards the area of land left to the

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appellants under the settlement. They further submitted that, in case such a declaration is made, the very purpose of arriving at the settlement would be defeated, thereby depriving the appellants of the right to enjoy the property covered by the terms of settlement. Having regard to the joint memorandum of settlement, we make it clear that the Union of India shall not issue any declaration under Section 3 of the Works of Defence Act, 1903 in respect of the lands allowed to be retained by the appellants and covered by the afore-mentioned joint memorandum of settlement. We also make it clear that this order is based on the joint memorandum of settlement and governs only the parties to these appeals and the intervenor.

In paragraph (5) of the joint memorandum of settlement filed in court today, it is stated thus:

"The Appellants in C.A. No. 6367 of 2001 agree to report to the Court the settlement reached and accordingly not to press the contempt proceedings in C.P. No.237 of 2003 and 409 of 2003 before this Hon'ble Court."

The learned counsel for the appellants submitted before us that they would not pursue the contempt proceedings. Since the contempt petitions are pending, before another Bench of this Hon'ble Court, it is appropriate that the parties may mention before that court about the settlement that has taken place in these appeals and seek appropriate orders therefrom.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[B.N. SRIKRISHNA]

New Delhi,  
October 07, 2004.