

SECTION-XII A  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NOS.3791-3793, 3794-3796, 3797-3799, 3800-3802, 3803, 3804-3806, 3807-3809 & 3810 OF 2011.**

WITH

**PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO.19838 OF 2010.**

WITH

**INTERLOCUTORY APPLICATION NOS.4-6 IN C.A. NOS.3797-3799 OF 2011.**

(Applications for intervention filed by Mr. N. Rajaraman, Advocate)

AND

**INTERLOCUTORY APPLICATION NOS. 16-18 in C. A. NOS. 3800-3802 of 2011**

(Application for impleadment and appropriate directions filed by Mr. R. Neduraman, Advocate)

AND

**INTERLOCUTORY APPLICATION NOS.7-9/2014 in C.A.NOS. 3794-3796 of 2011**

(Application for impleadment Government of Telangana as Respondents filed by Mrs. C. K. Sucharita, Advocate)

AND

**INTERLOCUTORY APPLICATION NOS.7-9/2014 in C.A.NOS. 3797-3799 of 2011**

(Application for impleadment Government of Telangana as Respondents filed by Mrs. C. K. Sucharita, Advocate)

AND

**INTERLOCUTORY APPLICATION NO. 2/2014 in C.A.NO. 3803 of 2011**

(Application for impleadment and appropriate directions filed by Mr. Rajeev Sharma, Advocate)

AND

**INTERLOCUTORY APPLICATION NO. 4/2014 in SLP (C) No. 19838 of 2010**

(Application for impleadment as party Respondent)

GOVERNMENT OF A.P. & ORS. ETC.

...APPELLANTS

- VERSUS -

RAO V.B.J. CHELIKANI & ORS ETC. ETC.

...RESPONDENTS

**OFFICE REPORT**

The matters above-mentioned were listed before the Court on 12<sup>th</sup> December, 2014, when the Hon'ble Court was pleased to pass the following Order:

“Released from part-heard.  
List before the Regular Bench.”

The I.A. Nos.10-12 and I. A. Nos. 13-13, i.e. applications for early hearing of the appeals in C.A. Nos. 3791-3793 of 2011 and C. A Nos. 3800-3802 of 2011, were listed before the Hon'ble Court on 28<sup>th</sup> March, 2014, when the Hon'ble Court was pleased to pass the following Order:

“List the appeals alongwith all other connected matters in the month of August, 2014.

I. As for early hearing are disposed of.”

These are the appeals by Special Leave filed against the Judgment and Order dated 5<sup>th</sup> January, 2010, of the High Court of Judicature, Andhra Pradesh at Hyderabad in W.P. Nos.7956, 7997 and 23682 of 2008.

Service position and status of the matters above-mentioned are as under:

**C.A. Nos.3791-3793 of 2011:**

There are 10 respondents in C.A. No.3791 of 2011 and 9 respondents each in C.A. Nos.3792 and 3793 of 2011. Respondent No.1 in C.A. No.3791 and 3792 of 2011 are represented by Mr. Bijoy Kumar Jain, Advocate. Respondent No.1 in C.A. No.3793 of 2011 is represented by M/s. M.C.L.M. & Co., Advocates. Common Respondent No.3 in C.A. No.3791 of 2011 and 2 in C.A. Nos.3792 and 3793 of 2011 is represented by Mr. U.S. Prasad, Advocate, Common Respondent Nos.4 and 8 in C.A. No.3791 of 2011 and Respondent Nos. 3 and 7 respectively in C.A. Nos.3792 & 3793 of 2011 are represented by Ms. Promila, Advocate. Common Respondent No.6 in C.A. Nos.3791 of 2011 and Respondent No. 5 in C.A. Nos.3792 and 3793 of 2011 is represented by Mr. T.V. Ratnam, Advocate. Common Respondent No.7 in C.A. No.3791 of 2011 and Respondent No. 6 in C.A. Nos.3792 & 3793 of 2011 is represented by Mr. R. Nedumaran, Advocate. Common Respondent No.9 in C.A. No.3791 of 2011 and Respondent No.8 in C.A. Nos.3792 & 3793 of 2011 is represented by Mr. Rajeev Sharma, Advocate and Common Respondent No.10 in C.A. No.3791 of 2011 and Respondent No. 9 in

C.A. Nos.3792 & 3793 of 2011 is represented by Mr. Amit Kumar, Advocate. Respondent No.2 in C.A. No.3791 of 2011 has been served with notice but he has not entered appearance before this Court so far. Common Respondent No.5 in C.A. Nos.3791 of 2011 and Respondent No. 4 in C.A. Nos.3792 and 3793 of 2011 has been deleted from the array of parties vide Hon'ble Court's Order dated 21<sup>st</sup> January, 2011.

Service is complete.

**C.A. Nos.3794-3796 of 2011:**

There are 12 respondents in C.A. No.3794 of 2011 and 11 respondents each in C.A. Nos.3795 and 3796 of 2011. Respondent No.1 in C.A. Nos.3794 and 3795 of 2011 is represented by Mr. Bijoy Kumar Jain, Advocate. Respondent No.1 in C.A. No.3796 of 2011 is represented by M/s. M.C.L.M. & Co., Advocates. Common Respondent Nos.3 to 5 in C.A. No.3794 of 2011 and Respondent Nos. 2 to 4 in C.A. Nos.3795 & 3796 of 2011 are represented by Mrs. C.K. Sucharita, Advocate. Common Respondent No.6 in C.A. No.3794 of 2011 and Respondent No. 5 in C.A. No.3795 and 3796 of 2011 is represented by Mr. U.S. Prasad, Advocate. Common Respondent No.8 in C.A. Nos.3794 of 2011 and Respondent No. 7 in C.A. Nos.3795 and 3796 of 2011 is represented by Mr. T.V. Ratnam, Advocate. Common Respondent No.9 in C.A. No.3794 of 2011 and Respondent No.8 in C.A. Nos.3795 & 3796 of 2011 is represented by Mr. R. Nedumaran, Advocate. Common respondent No.10 in C.A. No.3794 of 2011 and Respondent No. 9 in C.A. Nos.3795 & 3796 of 2011 are represented by Mr. S. Thananjayan, Advocate. Common Respondent No.11 in C.A. No.3794 of 2011 and Respondent No. 10 in C.A. Nos.3795 & 3796 of 2011 is represented by Mr. Rajeev Sharma, Advocate and common Respondent No.12 in C.A. No.3794 of 2011 and Respondent No. 11 in C.A. Nos.3795 & 3796 of 2011 is represented by Mr. Amit Kumar, Advocate. Respondent No.2 in C.A. No.3794 of 2011 has been served with notice but he has not entered appearance before this Court so far. Common Respondent No.7 in C.A. Nos.3794 of 2011 and Respondent No. 6 in C.A. Nos.3795 and 3796 of 2011 has been

deleted from the array of parties vide Court's Order dated 9<sup>th</sup> February, 2011.

Service is complete.

It is submitted to the Hon'ble Court that Mrs. C. K. Sucharita, Advocate has on 8<sup>th</sup> August, 2014 filed Vakalatnama/Appearance on behalf of Appellant after taking "no objection" from Ms. Promila, erstwhile Advocate for the Appellant and she has on 8<sup>th</sup> August, 2014 filed applications for impleadment of Government of Telangana as Respondent Nos. 3 and 4 in C.A. No. 3794 of 2011 and Respondent Nos. 2 and 3 in CA No. 3795 and 3796 of 2011. The said applications have been registered as I. A.Nos. 7-9/2014 and the same are included in the paper books.

It is further submitted that Mrs. C. K. Sucharita, Advocate has earlier represented State of Andhra Pradesh. In this regard, Counsel has filed a letter dated 9<sup>th</sup> August, 2014, stating therein that she is no longer the Standing Counsel for the State of Andhra Pradesh/Telangana. (Copy of the letter dated 9<sup>th</sup> August, 2014 is enclosed herewith)

**C.A. Nos.3797-3799 of 2011:**

There are 12 respondents in C.A. No.3797 of 2011 and 11 respondents each in C.A. Nos.3798 and 3799 of 2011. The Respondent No. 1 in C.A. No. 3797 and 3798 of 2011 is represented by Mr. Bijoy Kumar Jain, Advocate, Common respondent Nos. 3 to 5 in C.A. No. 3797 of 2011 and Respondent Nos. 2 to 4 in C.A. Nos. 3798 and 3799 of 2011 is represented by Ms. C.K. Sucharita, Advocate, Common respondent No. 10 in C.A. No. 3797 of 2011 and Respondent No. 9 in C.A. Nos. 3798 and 3799 of 2011 is represented by Mr. R. Nedumaran, Advocate. Common Respondent No. 11 in C.A. No. 3797 of 2011 and Respondent No. 10 in C.A. Nos. 3798 and 3799 of 2011 is represented by Mr. Rajeev Sharma, Advocate. Common Respondent No. 6 in C.A. No. 3797 of 2011 and Respondent No. 5 in C.A. Nos. 3798 and 3799 of 2011 is represented by Mr. U.S. Prasad, Advocate. Common respondent No. 9 in C.A. No. 3797 of 2011, Respondent No. 8 in C.A. Nos. 3798 and 3799

of 2011 is represented by Mr. T.V. Ratnam, Advocate. Common Respondent No. 12 in C.A. Nos. 3797 of 2011 and Respondent No. 11 in C.A. Nos. 3798 and 3799 of 2011 is represented by Mr. Amit Pawan, Advocate. Common Respondent No. 7 in CA No. 3797 of 2011, Respondent No. 6 in C.A. No.3798 and 3799 of 2011 is represented by Mr. S. Thananjayan, Advocate and Respondent No. 1 in C.A. No. 3799 of 2011 is represented by M/s M.C.L.M. & Co., Advocates. Respondent No. 2 in C.A. No. 3797 of 2011 has been served with notice but he has not entered appearance before this Court so far. The names of Common Respondent No. 8 in C.A. No. 3797/ 2011, Respondent No. 7 in C.A. No. 3798/2011 and Respondent No. 7 in C.A. No. 3799/2011 have been deleted from the array of parties vide Court's Order dated 21<sup>st</sup> January, 2011.

Service is complete.

It is submitted to the Hon'ble Court that Mr. N. Rajaraman, Advocate, has on 28<sup>th</sup> January, 2013, filed applications of intervention on behalf of applicant alongwith Vakalatnama/Appearance on behalf of Applicant. The said application has been registered as I.A. Nos.4-6 and the same is placed with the Appeal Paper Books.

It is submitted to the Hon'ble Court that Mrs. C. K. Sucharita, Advocate has on 8<sup>th</sup> August, 2014 filed Vakalatnama/Appearance on behalf of Appellant after taking "no objection" from Ms. Promila, erstwhile Advocate for the Appellant and she has on 8<sup>th</sup> August, 2014 filed applications for impleadment of Government of Telangana as Respondent Nos. 3 and 4 in C.A. No. 3797 of 2011 and Respondent Nos. 2 and 3 in CA No. 3798 and 3799 of 2011. The said applications have been registered as I. A.Nos. 7-9/2014 and the same are included in the paper books.

It is further submitted that Mrs. C. K. Sucharita, Advocate has earlier represented State of Andhra Pradesh. In this regard, Counsel has filed a letter dated 9<sup>th</sup> August, 2014, stating therein that she is no longer the Standing Counsel for the State of Andhra Pradesh/Telangana. (Copy

of the letter dated 9<sup>th</sup> August, 2014 is enclosed herewith)

**C.A. Nos.3800-3802 of 2011:**

There are 12 respondents in each of the Appeals above-mentioned. Respondent No. 1 in C.A. Nos. 3800 and 3801 of 2011 are represented by Mr. Bijoy Kumar Jain, Advocate. Respondent No. 1 in C.A. No. 3802 of 2011 is represented by M/s M.C.L.M. & Co., Advocates. Common Respondent No. 3 in C.A. No. 3800 of 2011 and Respondent No. 2 in C.A. Nos. 3801 and 3802 of 2011 is represented by Mr. Ugra Shankar Prasad, Advocate. Common respondent No. 6 in C.A. No. 3800 of 2011 and Respondent No. 5 in C.A. Nos.3801 and 3802 of 2011 is represented by Mr. T.V. Ratnam, Advocate. Common Respondent No. 7 in all the appeals is represented by Ms. Promila, Advocate. Common Respondent No. 8 in all the appeals is represented by Mr. Rajeev Sharma, Advocate, Common Respondent No. 9 in all the appeals is represented by Mr. Amit Pawan, Advocate. Common Respondent Nos. 10 to 12 in all the Appeals is represented by Mrs. C.K. Sucharita, Advocate. Respondent No. 2 in C.A. No. 3800 of 2011 and common Respondent No..4 in C.A. No.4 in C.A. No.3800 of 2011 and Respondent No..3 in C.A. Nos.3801 and 3802 of 2011 have been served with notice but they have not entered appearance before this Court so far. The name of Common Respondent No. 5 in C.A. No. 3800/ 2011 and Respondent No. 4 in C.A. No. 3801/2011 and Respondent No. 4 in C.A. No. 3802 of 2011 has been deleted from the array of parties vide Court's Order dated 9<sup>th</sup> February, 2011.

Service is complete.

It is submitted to the Hon'ble Court that Mr. R. Nedumaran, Advocate for the appellant has on 16<sup>th</sup> July, 2014 filed an application for impleadment and appropriate direction to implead state of Telangana the said application has been registered as I. A. Nos. 16-18 of 2014.

**C.A. No.3803 of 2011:**

There are 12 respondents in the Appeal. Respondent Nos. 1 to 3 are represented by Ms. C.K. Sucharita, Advocate; Respondent No. 4 is

represented by Mr. Ugra Shankar Prasad, Advocate; Respondent Nos. 5 and 9 are represented by Ms. Promila, Advocate; Respondent No. 7 is represented by Mr. T.V. Ratnam, Advocate; Respondent No. 8 is represented by Mr. R. Neduraman, Advocate; Respondent No. 10 is represented by Mr. Amit Pawan, Advocate; Respondent No. 11 is represented by Mr. Bijoy Kumar Jain, Advocate Respondent No. 12 has been served with notice but he has not entered appearance before this Court so far. The name of Respondent No. 6 has been deleted from the array of parties vide Court's Order dated 11<sup>th</sup> February, 2011.

Service is complete.

It is submitted to the Hon'ble Court that Mr. Rajeev Sharma, Advocate for the appellant has on 23<sup>rd</sup> August, 2014 filed an application for impleadment and appropriate direction to implead State of Telangana. The said application has been registered as I. A. No. 2 of 2014 and placed with the appeal paper-books.

**C.A. Nos.3804-3806 of 2011:**

There are 12 respondents in C.A. No.3804 of 2011 and 11 respondents each in C.A. Nos.3805 and 3806 of 2011. Respondent no.1 in C.A. Nos.3804 and 3805 of 2011 are represented by Mr. Bijoy Kumar Jain, Advocate. Respondent No.1 in C.A. No.3806 of 2011 is represented by M/s. M.C.L.M. & Co., Advocates. Common Respondent Nos. 3 to 5 in C.A. No. 3804/ 2011 and Respondent Nos. 2 to 5 in C.A. No. 3805 and 3806 of 2011 are represented by Ms. C.K. Sucharita, Advocate. Common Respondent Nos. 6 & 10 in C.A. No. 3804 of 2011 and Respondent Nos. 5 & 9 in C.A. Nos. 3805 and 3806 of 2011 is represented by Ms. Promila, Advocate. Common Respondent No. 9 in C.A. No. 3804 of 2011 and Respondent No. 8 in C.A. Nos. 3805 and 3806 of 2011 are represented by Mr. R. Nedumaran, Advocate. Common Respondent No. 11 in C.A. No. 3804 of 2011 and Respondent No. 10 in C.A. Nos. 3805 and 3806 of 2011 is represented by Mr. Rajeev Sharma, Advocate. Common Respondent No. 8 in C.A. No. 3804 of 2011 and Respondent No. 7 in C.A. Nos. 3805 and 3806 of 2011 is represented by Mr. T.V. Ratnam,

Advocate. Common Respondent No. 12 in C.A. No. 3804 of 2011, Respondent No. 11 in C.A. Nos. 3805 and 3806 of 2011 is represented by Mr. Amit Pawan, Advocate. Respondent No. 2 in C.A. No. 3804 of 2011 has been served with notice but he has not entered appearance before this Court so far. The name of Common Respondent No. 7 in C.A. No. 3804/ 2011 and Respondent No. 6 in C.A. Nos. 3805 and 3806 of 2011 have been deleted from the array of parties vide Court's Order dated 25<sup>th</sup> February, 2011.

Service is complete.

**C.A. Nos.3807-3809 of 2011:**

There are 13 respondents in C.A. Nos.3807 of 2011 and 12 respondents each in C.A. Nos.3808 and 3809 of 2011. Respondent No.1 in C.A. Nos.3807 and 3808 is represented by Mr. Bijoy Kumar Jain, Advocates. Respondent No.1 in C.A. No.3809 of 2011 is represented by M/s. M.C.L.M. & Co., Advocates. Common Respondent Nos. 3 to 5 in C.A. No. 3807 of 2011 and Respondent Nos. 2 to 4 in C.A. Nos. 3808 and 3809 of 2011 are represented by Mrs. C.K. Sucharita, Advocate. Common Respondent Nos. 6 and 8 in C.A. No. 3807 of 2011 and Respondent Nos. 5 and 9 in C.A. Nos. 3808 and 3809 of 2011 are represented by Ms. Promila, Advocate, Common Respondent No. 9 in C.A. No. 3807 of 2011 and Respondent No. 8 in C.A. Nos. 3808 and 3809 of 2011 is represented by Mr. R. Nedumaran, Advocate. Common Respondent No. 11 in C.A. No. 3807 of 2011 and Respondent No. 10 in C.A. Nos. 3808 and 3809 of 2011 is represented by Mr. Rajeev Sharma, Advocate. Common Respondent No. 12 in C.A. No. 3807 of 2011 and Respondent No. 11 in C.A. Nos. 3808 and 3809 of 2011 is represented by Mr. Amit Pawan, Advocate. Common proforma Respondent No. 13 in C.A. No. 3807 of 2011, and proforma Respondent No. 12 in C.A. Nos. 3808 and 3809 of 2011 is represented by Mr. Ugra Shankar Prasad, Advocate, Common Respondent No. 8 in C.A. No. 3807 of 2011 and Respondent No. 7 in C.A. Nos. 3808 and 3809 of 2011 is represented by Mr. T.V. Ratnam, Advocate. Respondent No. 2 in C.A. No. 3807 of 2011

has been served with notice but he has not entered appearance before this Court so far. The names of Common Respondent No.7 in C.A. No. 3807 of 2011, Respondent No. 6 in C.A. No. 3808 and 3809 of 2011 have been deleted from the array of parties vide Court's Order dated 23<sup>rd</sup> February, 2011.

Service is complete.

**C.A. No.3810 of 2011:**

There are 11 respondents in the Appeal. Respondent Nos.1 to 3, 4, 5, 9, 7, 8, 10 and 11 are represented by Ms. C.K. Sucharita, Mr. U.S. Prasad, Ms. Promila, Mr. T.V. Ratnam, Mr. R. Nedumaran, Mr. Rajeev Sharma and Mr. Amit Pawan, Advocates, respectively. Respondent No.6 has been served with notice but he has not entered appearance before this Court so far.

Service is complete.

**PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO.19838 OF 2010:**

The matter above-mentioned was listed before the Hon'ble Court (Judge in-Chamber) on 31<sup>st</sup> July, 2014, when the Court was pleased to pass the following Order:

“In this application, it is prayed that the name of respondent No. 6 be deleted from the array of parties. Heard learned counsel for the parties.

For the reasons stated in the application, permission is granted to delete the name of respondent No. 6 at the risk of the petitioner.

Amended memo of cause title be filed within four weeks. I.A. No. 3 is disposed of accordingly.”

Accordingly, the name of Respondent No. 6 has been deleted from the array of parties and cause title has also been amended.

It is further submitted that M/s MCLM & Co., Advocates has also on 16<sup>th</sup> August, 2014 filed an application for impleadment as party respondent. The same has been registered as IA No. 4/2014 and is being circulated herewith for Hon'ble Court for its kind perusal.

There are 11 respondents in the matter. Mrs. C.K. Sucharita, Advocate, has entered appearance on behalf of Respondent Nos. 1 to 3

and she has also filed counter affidavit on their behalf. Mr. T.V. Ratnam and Mrs. Promila, Advocates, have entered appearance on behalf of Respondent Nos. 5, 9 and 7, respectively. Mr. U.S. Prasad, Advocate has filed vakalatnama/appearance on behalf of Respondent No. 4, Mr. R. Nedumaran, Advocate has filed vakalatnama/appearance on behalf of Respondent No. 8, Mr. Rajiv Sharma, Advocate has filed Vakalatnama/Appearance on behalf of Respondent No.10 and Mr. Abinash K. Mishra, Advocate has filed Vakalatnama/Appearance on behalf of Respondent No.11 but no one has filed counter affidavit so far. The name of Respondent No. 6 has been deleted from array of parties vide Court's Order dated 31<sup>st</sup> July, 2014.

Service is complete.

Common Original Records from the High Court in all the Appeals is available for the reference of the Hon'ble Court.

It is submitted to the Hon'ble Court that counsel for the appellants in all the Appeals except C.A. No.3810 of 2011, have filed their statement of case and counsel for respondent Nos.1 to 3 in C.A. No.3810 of 2011 also filed statement of case but counsel for the Respondents except C.A. No.3810 of 2011 has not filed statement of case in terms of Order XV, Rule 35(1) of Supreme Court Rules, 1966 so far. Ms. Promila, Advocate, has on 31<sup>st</sup> October, 2012, filed a letter stating therein that she has already filed statement of case on behalf of appellants in C.A. Nos.3794-3796 and 3797-3799 of 2011, who are also respondents in the Civil Appeal No. 3791-3793 of 2011 and requested therein that filing of statement of case may be dispensed with in Civil Appeal No. 3791-3793 of 2011.

It is further submitted that Mrs. C.K. Sucharita, Advocate, for Respondent Nos.1 to 3 in C.A. No.3810 of 2011 filed counter affidavit and the same is included in the Appeal Paper Books but no rejoinder affidavit there to has been filed.

It is further submitted that Mrs. C.K. Sucharita, counsel for the common Respondent Nos.10 to 12 in C.A. No.3800-3802 of 2011 has

filed a letter dated 3<sup>rd</sup> November, 2012, stating therein that the statement of case on behalf of the State Government has been filed in the main C.A. Nos.3791-3793 of 2011. In the circumstances, the State Government will be adopting the said statement of case in the C.A. Nos. 3800-3802 of 2011.

It is lastly submitted that Mr. T.V. Ratnam, Advocate, for common Respondent No.6 in C.A. No.3791 of 2011 has filed a letter dated 18<sup>th</sup> February, 2013 in C.A. Nos.3791-3793, 3794-3796, 3800-3802 and 3804-3806 of 2011, stating therein that the respondent Adarsh Nagar Mutually Aided co-operative Housing Society, is a proforma respondent, and he will be adopting the Statement of case filed by the Andhra Pradesh Government's as the stand of the said respondent is similar to Government stand and in the circumstances there is no requirement for filing separate statement of case.

The afore-said Appeals and applications above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated this, the 25<sup>th</sup> day of August, 2014.

**ASSISTANT REGISTRAR**

Copy to:

1. Mrs. C.K. Sucharita, Advocate.
2. M/s MCLM & Co., Advocates.
3. Mr. U.S. Prasad, Advocate.
4. Ms. Promila, Advocate.
5. Mr. R. Nedumaran, Advocate.
6. Mr. T.V. Ratnam, Advocate.
7. Mr. Bijoy Kr. Jain, Advocate.
8. Mr. Rajeev Sharma, Advocate.
9. Mr. Amit Pawan, Advocate.
10. Mr. S. Thananjayan, Advocate.
11. Mr. N. Rajaraman, Advocate.
12. Mr. Abinash K. Mishra, Advocate.

**ASSISTANT REGISTRAR**