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SLP(C)No. 11716 OF 2003
ITEM No. 202

Court No. 3

SECTION XIIA

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

Petition(s) for Special Leave to Appeal (Civil) No.11716/2003
(From the judgment and order dated 16/06/2003 in WA No. 1453/99 of
THE HIGH COURT OF A.P. AT HYDERABAD)

M/S. GALLOP GRANITES LTD.

Petitioner (s)

VERSUS

M/S. CRYSTAL GRANITES & ORS.

Respondent (s)

(With appln. for permission to submit additional documents,
directions, intervention/impleadment, urging additional facts,
docements and exemption from filing usual certificate)
(With prayer for interim relief) (For Final Disposal)

Date : 08/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Sudhir Chandra, Sr. Adv.
Mr. Gopal Subramaniam, Sr. Adv.
Mr. Snehasish Mukherjee, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Parijat Sinha, Adv.

For Respondent (s) Mr. K.K. Venugopal, Sr. Adv.
Mr. Somiran Sharma, Adv.
Mr. Amit Sharma, Adv.
Mr. S. Muralidhar, Adv.

Mr. K. Subba Rao, Adv.
Mr. T. V. Ratnam, Adv.

Mr. R.F. Nariman, Sr. Adv.
Mr. D. Bharat Kumar, Adv.
Mr. G. Venkatesh, Adv.
Mr. Indra Makwana, Adv.

UPON hearing counsel, the Court made the following

O R D E R

Heard on the question of grant of interim relief.
According to the petitioner it is engaged in granite mining activity and presently it is holdi
ng a lease extending over 23 hectares of land out of which 8.5 hectares is in Survey No. 27.

According to the respondent No. 1, the area on which the petitioner is operating is 44 hectar
es and not just 23 hectares.

The respondent No. 1 is operating over an area which is 7.5 hectares altogether. Dr. C.H. Rao
is operating over 3.5 hectares of area out of Survey No. 27.

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The petitioner Gallop Granites Limited has laid challenge to the grant in favour of M/s. Cr
ystal Granites and Dr. C.H. Rao, in these two Special Leave Petitions. It is not disputed at t
he Bar that M/s. Crystal Granties, and Dr. C.H. Rao are already carrying on their mining opera
tions over the area in their respective possession.

At this stage, we are not inclined to grant an interim relief which would result in operation
of M/s. Crystal Granites and Dr. C.H. Rao coming to an immediate halt. We direct M/s. Crystal
Granites through its proprietor and Dr. C.H. Rao, both to file undertakings on their respecti
ve affidavits within a period of ten days from today and in this Court undertaking to compens
ate the petitioner Gallop Granites for any loss that may have been caused to it in the event o
f these appeals being allowed and the appellatant being held entitled to the grant of lease of t

he area which has been given to M/s. Crystal Granites and Dr. C.H. Rao.

Let compliance be reported on 19.4.2004.

Leave granted.

Printing dispensed with. The appeals shall be heard on the SLP paperbooks. Parties may file additional documents, if any, within six weeks. Original record need not be requisitioned.

Hearing expedited.

Either party may make a mention for an early hearing of the matter.

Intervention/impleadment applications shall be taken up for hearing with the main appeals.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master