

ITEM NO.204

COURT NO.12

SECTION IX

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(s). 8597/2007  
(From the interim judgment and order dated 30.04.2007 passed by  
the HIGH COURT of Judicature at Bombay in Writ Petition No. 7683  
of 2006)

COUNCIL OF ARCHITECTURE

Petitioner(s)

VERSUS

BHAUSAHEB GOVINDRAO JADHAV & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and  
vacating interim order and prayer for interim relief)  
(FOR FINAL DISPOSAL)

WITH SLP(C) NO. 8902 of 2007

(With appln(s) for permission to place addl. documents on record and  
vacating interim order and prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Date: 13/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Naveen R. Nath,Adv.  
In SLP (C) 8597/07 Ms. Hetu Arora,Adv.  
Ms. Lalit Mohini Bhat,Adv.

In SLP (C) 8902/07 Mr. Raju Ramchandran,Sr.Adv.  
Mr. Sanjay Sharawat ,Adv

Respondent(s) Mr. Sudhanshu S Choudhari,Adv.  
Mr. Sunil Upadhyay,Adv.  
Ms. Vijay Lakshimi,Adv.  
Mr. Naresh Kumar,Adv.

FOR U.O.I. Mr. PP Malhotra,ASG  
Mr. TS Doabia,Sr.Adv.  
Mr. Vikas Bansal,Adv.  
Mr. Kitan Chawla,Adv.  
Mr. Chetan Chawla,Adv.  
Mr. Shalinder Saini,Adv.  
Mr. DS Mahra,Adv.  
Mr. Manpreet Singh Doabia,Adv.  
Mr. Vikas Bansal,Adv.  
Ms. Sushma Suri ,Adv.

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

These petitions arise out of an interim judgment and  
order dated 30.4.2007 passed by the High Court of Judicature  
at Bombay in Writ Petition No. 7683 of 2006.

By the said

Order the High Court has restrained the petitioner in Special Leave Petition (Civil) No. 8902 of 2007 from acting as a Member and President of the Council of Architecture, pending disposal of the writ petition. The writ petition is still pending before the High Court.

This Court had vide order dated 16.05.2007, stayed the operation of the impugned order. The result is that the petitioner, who was elected as Member and President of the Council of Architecture way back in the year 2004 continues to act as Member and President of the Council of Architecture, apparently by default.

Mr. Raju Ramchandran, learned senior counsel appearing for the petitioner in Special Leave Petition (Civil) No. 8902 of 2007 has in the above connection drawn our attention to Rules 5 and 23 of the Council of Architecture Rules, 1973, as amended by Notification dated 25th June, 2009. He

submitted that since the ordinary tenure of the posts to which his client was elected expired in the year 2007, the Central Government had to notify the vacancy and request the Returning Officer to hold an election by a date not later than the date specified in the notice. He urged that nomination of the Returning Officer is also to be made by the Central Government itself and that for reasons best known to the Central Government no notification has been issued in terms of Rules 5 and 23 nor any Returning Officer has been appointed to hold the election.

Mr. Naveen R. Nath, learned counsel appearing for the Council of Architecture, submits that Council has repeatedly passed Resolutions between 2008 and 2011 pointing out that fresh elections are due and requested the Central Government to act in the matter. Despite such Resolutions and requests made to the Central Government, the later has failed to take any action in matter.

Mr. PP Malhotra, learned Additional Solicitor General

is unable to explain the reasons for the inaction of the  
Central Government. He seeks two weeks' time to take  
instructions in the matter and to make his submissions.

Post these matters on 12.03.2012. Needful be done in  
the meantime.

(N.K. Goel)  
Court Master

(Veena Khera)  
Court Master