

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
I.A.Nos.5-6 IN CIVIL APPEAL NO(s). 10181 OF 2011

KHELA BANERJEE & ANR

Appellant (s)

VERSUS

CITY MONTESSORI SCHOOL & ORS.

Respondent(s)

(With appln(s) for clarification and directions and exemption from filing
O.T. and with office report for direction)

Date: 30/10/2012 These I.As were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s) Mr.Manish Sharma, Adv.
Mr. Anil Nag, Adv.

For Respondent(s) Mr.S.K.Chauhan, Adv.
Mr.M.M.Gupta, Adv.
Mr. R.P. Gupta, Adv.

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

I.A.No.5 of 2012 in C.A.No.10181 of 2011

In this application, City Montessori School has made the following prayers:

"(a) clarify the direction contained in para 13 at page 39 of judgment dated 02.07.2012 relating to disposal of plot by public auction in the light of propositions of law laid down in Akhil Bhartiya Upbhokta Congress Vs. State of Madhya Pradesh (2011) 5 SCC 29 by directing the Lucknow Development Authority, Lucknow to reserve the Plot No.92A/C measuring 7188 sq.situated at Mahanagar, Faizabad Road, Lucknow for educational institutions in terms of principles laid down in para 67 of judgment of this Hon'ble Court delivered in Akhil Bhartiya Upbhokta Congress Vs. State of Madhya Pradesh (2011) 5 SCC 29; and/or

(b) direct the Lucknow Development Authority, Lucknow to conduct the auction of Plot No.92A/C measuring 7188 sq. situated at Mahanagar, Faizabad Road, Lucknow within four weeks or within such time as may be fixed by this Hon'ble Court."

We have heard learned counsel for the applicant and are satisfied that the aforementioned prayers are wholly misconceived and do not deserve to be entertained.

The application is accordingly dismissed.

As a sequel to dismissal of I.A.No.5 of 2012, I.A.No.6 of 2012 is also dismissed.

Learned counsel appearing for the appellants in C.A.No.10181 of 2011 requests for four weeks' time to enable his clients to pay the cost imposed by this Court.

The request of the learned counsel is accepted and the time granted to the appellants is extended till December 1, 2012, failing which both of them shall have to appear in person.

List the case on 04.12.2012.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master