

SECTION – IX  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4158-4159 OF 2002

WITH

CIVIL APPEAL NOS. 4163-4164, 4160, 4170-4171, 4167-4169, 4165-4166, 4179-4180, 4172-4174, 4178, 4177 OF 2002

AND

CIVIL APPEAL NOS. 9661, 9662, 9663-9666 AND 9667 OF 2003

AND

CONTEMPT PETITION (CIVIL) NOS. 26-27 OF 2009

(filed by Mr. Abhijit Sen Gupta, Advocate)

IN

CIVIL APPEAL NOS. 4156-4157 OF 2002

AND

CONTEMPT PETITION (CIVIL) NOS. 113-114 OF 2008

(filed by S.M. Jadhav, Advocate)

IN

CIVIL APPEAL NOS. 4158-4159 OF 2002

AND

CONTEMPT PETITION (CIVIL) NOS. 538-539 OF 2011

(filed by Mr. Sushil Kumar Jain, since designated as senior Advocate)

IN

CIVIL APPEAL NOS. 4175-4176 OF 2002

BOMBAY HAWKERS UNION & ANR. ETC. ETC.

.....APPELLANTS

-VERSUS-

BRIHAN MUMBAI MUNICIPAL CORPN. & ANR. ETC. ETC.

....RESPONDENTS

OFFICE REPORT

The Application for direction in Civil Appeal Nos. 4156-4157 of 2002 were listed before the Hon'ble Court on 9<sup>th</sup> September, 2013 when the Court inter-alia passed the following Order:

"...The parties, whose applications have remained pending before this Court, shall be free to institute appropriate proceedings in the jurisdictional High Court. If so advised, the aggrieved person shall be free to file petition under Article 226 of the Constitution. All the appeals and I.As are disposed of in the manner indicated above."

Thereafter, the interlocutory application nos. 286-287 of 2009 in Civil Appeals

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No. 4156-4157 of 2002 were listed before the Hon'ble Court on 18<sup>th</sup> November, 2013 when the Court was pleased to pass the following Order:

"These applications have been filed by Andheri Palika Bazar Members' Welfare Association for issue of a direction to the authorities to make allotment of pitches constructed under the Andheri Flyover Bridge also called Andheri Flyover Hawking Plaza and to restrain them from converting the Hawking Plaza into Gallas.

By a detailed order dated 09.09.2013 passed in C.A.Nos.4156-4157 of 2002 and connected matters along with interlocutory applications filed by the parties, this Court had given various directions and also gave liberty to the parties to approach the jurisdictional High Court for redressal of their grievance. Paragraph 18 of that order reads as under:

"18. The parties, whose applications have remained pending before this Court, shall be free to institute appropriate proceedings in the jurisdictional High Court. If so advised, the aggrieved person shall be free to file petition under Article 226 of the Constitution."

In view of the aforementioned order, these applications are disposed of with liberty to the applicant to file appropriate proceedings before the jurisdictional High Court which shall be disposed of by the concerned High Court after hearing the parties."

It is submitted for the information of the Hon'ble Court the service positions of the matters above mentioned are as follows:

CIVIL APPEAL NOS. 4158-4159 OF 2002

There are two respondents in the matters. Mr. B. V. Desai, Advocate is representing Respondent No. 1 and Mr. A. P. Mayee, Advocate is representing Respondent No. 2.

Service is complete.

Original record has been received.

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CIVIL APPEAL NOS. 4163-4164 OF 2002

There are seven respondents in the matters. Mr. B. V. Desai, Advocate is representing Respondent No. 1. Respondent No. 7 is represented through Mr. A. P. Mayee, Advocate. Respondent Nos. 3 and 4 stand served at the SLP stage. Certificate of service in respect of Respondent Nos. 2 and 6 have been received from the High Court of Judicature at Bombay. Unserved registered cover containing the notice has been received back from the High Court in respect of Respondent No. 5 with the postal remark "Left". The Counsel has been informed but he has not furnished the fresh and complete address of Respondent No. 5.

It is further submitted that Mr. Sushil Kr. Jain, Advocate for appellant has been designated as Sr. Advocate. Hence notice for alternative arrangement has been sent to the appellants but neither A.D. Card nor unserved notice has been received back.

Service of notice is not complete on Respondent No. 5.

Original record has been received.

CIVIL APPEAL NO. 4160 OF 2002

There are two respondents in this matter. Mr. A. P. Mayee and Mr. B. V. Desai, Advocates have entered appearance on behalf of Respondent Nos. 1 and 2 respectively.

It is submitted that Mr. M. N. Shroff, Advocate for the appellant has expired and notice for alternative arrangement has been issued and the same has been received back with postal remark "unclaimed".

Original record has been received.

CIVIL APPEAL NOS. 4170-4171 OF 2002

There are seven respondents in the matters. Mr. B. V. Desai, Advocate is representing Respondent Nos. 1 and 2. Respondent Nos. 3 to 7 have been served with notice at the SLP stage but no one has entered appearance on their behalf so far.

Service is complete.

Original record has been received.

CIVIL APPEAL NOS. 4167-4169 OF 2002

There are four respondents in the matters. Mr. B. V. Desai, Advocate is representing Respondent No. 1. Respondent No. 4 is represented through Mr. P.

:4:

Parmeshwaran, Advocate. Respondent Nos. 2 and 3 have been served with notice of lodgment of petition of appeal but no one has entered appearance on their behalf so far.

Service is complete.

Original record has been received.

CIVIL APPEAL NOS. 4165-4166 OF 2002

There is sole respondent in the matters who is represented through Mr. B. V. Desai, Advocate.

Service is complete.

Original record has been received.

CIVIL APPEAL NOS. 4179-4180 OF 2002

There are four respondents in Civil Appeal No. 4179 of 2002 and twelve respondents in Civil Appeal Nos. 4180 of 2002. Mr. B. V. Desai, Advocate is representing Respondent Nos. 1 and 2 in Civil Appeal No. 4179 of 2002 and Respondent Nos. 1 and 3 in Civil Appeal No. 4180 of 2002. Mr. A. P. Mayee, Advocate is representing Respondent Nos. 3 and 4 in Civil Appeal No. 4179 of 2002. Ms. Ruby Singh Ahuja, Advocate is representing to Respondent Nos. 5, 8, 9, 11 and 12 in Civil Appeal No. 4180 of 2002. Respondent Nos. 2, 7 and 10 in Civil Appeal No. 4180 of 2002 stand served at SLP stage. Certificate of service of notice of lodgment of petition of appeal is received from the High Court in respect of Respondent Nos. 4 and 6 in Civil Appeal No. 4180 of 2002.

Service is complete.

Original record has been received.

CIVIL APPEAL NOS. 4172-4174 OF 2002

There are seven respondents in the matters. Mr. B. V. Desai, Advocate is representing Respondent Nos. 1 and 3. Respondent Nos. 4 and 5 are represented through Mr. A. P. Mayee, Advocate. Respondent Nos. 2, 6 and 7 have been served with notice but no one has entered appearance on their behalf so far.

Service is complete.

Original record has been received.

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CIVIL APPEAL NO. 4178 OF 2002

There are twelve respondents in this matter. Mr. B. V. Desai, Advocate is representing to Respondent Nos. 1 to 4 and Mrs. Ruby Singh Ahuja, Advocate is representing to Respondent Nos. 5, 6 and 9 to 12. Respondent Nos. 7 and 8 stand served at SLP stage.

Original Record has been received.

CIVIL APPEAL NO. 4177 OF 2002

There are twelve respondents in the matter. Respondent Nos. 1 to 4 are representing through Mr. B. V. Desai, Advocate. Respondent Nos. 5, 6, 9, 10 and 12 are represented through Ms. Ruby Singh Ahuja, Advocate. Respondent Nos. 7 and 8 stand served at SLP stage. Certificate of service has been received from High Court of Bombay but no one has filed vakalatnama/appearance on their behalf so far.

It is further submitted that Mr. Sushil Kr. Jain, Advocate for appellant has been designated as Sr. Advocate. Hence notice for alternative arrangement has been sent to the appellants but neither A.D. Card nor unserved notice has been received back.

Service is complete.

Original record has been received.

CIVIL APPEAL NO. 9661 OF 2003

It is submitted that there are twelve respondents in this appeal. Service of notice of lodgment of petition of appeal is complete on Respondent Nos. 4 to 12 through A. D. Cards.

The notice of lodgment of petition of appeal was sent to Respondent Nos. 1 to 3 but neither A.D. Cards nor the unserved registered covers have been received back so far.

Service is not complete.

Original Record received.

CIVIL APPEAL NO. 9662 OF 2003

There are six respondent in this matter. Certificate of service in respect of all the respondents but no one has chosen to enter appearance on their behalf.

Service is complete.

Original record has been received.

CIVIL APPEAL NOS. 9663-9666 OF 2003

There are thirteen common respondents in these appeals. The Respondent No. 1 is represented through Mr. B. V. Desai, Advocate in all the appeals.

Notice of lodgment of petition of appeal was issued to Respondent Nos. 2 to 13 by registered A.D. Post.

Service is complete on Respondent No. 3 as the A.D card duly signed has been received from him.

Notice of lodgment of petition of appeal sent to Respondent Nos. 2 and 4 to 13 have been received back unserved by the Registry with the postal remarks in respect of Respondent No. 2 "Not Known", Respondent No. 4 "Left", Respondent No. 5 "Not Known", Respondent No. 6 "Unclaimed", Respondent No. 7 "Expired", Respondent No. 8 "Unclaimed" and Respondent Nos. 9 to 13 "Expired".

Accordingly, counsel for the Appellants was requested to furnish the latest and correct addresses of unserved Respondent Nos. 2, 4 to 6 and 8 for affecting service of notice of lodgment of petition of appeal and also requested to take steps to bring on record the legal representatives of deceased Respondent Nos. 7 and 9 to 13, but the Counsel has neither furnished the latest and correct addresses nor taken steps to bring on record the legal representatives of deceased Respondents.

Service is not complete.

Original Record Received.

CIVIL APPEAL NO. 9667 OF 2003

There are twelve respondents in the appeal. Respondent No. 1 is represented through Mr. B. V. Desai, Advocate. The names of Respondent Nos. 2, 4, 7 and 9 to 12 have been deleted from array of the parties at the risk of the appellant vide Court's Order dated 7.04.2003. The respondent Nos. 3, 5, 6 and 8 have been served with the notice at SLP stage.

Service is complete.

Original record has been received.

It is lastly submitted that no orders have been passed in contempt petition Nos. 26-27 of 2009 (filed by Mr. Abhijit Sen Gupta, Advocate) in Civil Appeal Nos.

4156-4157 of 2002 and contempt petition Nos. 538-539 of 2011 (filed by Mr. Sushil Kumar Jain, since designated as Senior Advocate) in Civil Appeal 4175-4176 of 2002 though these appeals have already been disposed of by the Hon'ble Court on 9<sup>th</sup> September, 2013.

The matters above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 1<sup>st</sup> day of September, 2014.

ASSISTANT REGISTRAR

Copy to :-

M/s K.J. John & Co., Advocates

Mr. E.C. Agrawala, Advocate

Ms. Bina Gupta, Advocate

ASSISTANT REGISTRAR