

23.03.2017

LISTED ON :

COURT NO.: 10

ITEM NO. : 27

SECTION XIIA
IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) Nos. 21856-21862 of 2010

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 24-30 OF 2011

(Application for impleadment as party respondent filed on 20.08.2010 by Md. Irshad Hanif, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 31-37 OF 2016

(Application for amending the cause title and changing the name of the petitioner filed on 26.08.2010 by Dr.Kailash Chand, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 38-44 OF 2016

(Application for Impleadment as party respondent filed on 19.03.2016 by D.Mahesh Babu, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 45-51 & 52-58 OF 2016

(Application to bring legal heirs of deceased applicant and condonation of delay in filing the same filed on 22.10.2016 by Md.Irshad Hanif, Advocate)

AND

INTERLOCUTORY APPLICATION NO. _____ OF 2017

(Application for impleadment filed on 17.03.2016 by Ms. D.Bharathi Reddy, Advocate)

AND

INTERLOCUTORY APPLICATION NO. _____ OF 2017

(Application for impleadment filed on 13.07.2016 by Mr. D.Mahesh Babu, Advocate)

A.P. HOUSING BOARD

...APPEALANT

-VERSUS-

AZAMUNISA BEGUM (DIED) THR. LRS. & ORS.

...PETITIONERS

OFFICE REPORT

The matters i.e. SLP (C) Nos. 21856-21862 of 2010 were listed before the Hon'ble Court on 26th July, 2010, when the Hon'ble Court was

As

pleased to pass the following Order :-

“Delay condoned.

Issue notice.

Counter affidavit may be filed within two weeks and rejoinder thereto, if any, may be filed within two weeks thereafter.

List this matter thereafter for final disposal on any non-miscellaneous day.

Meanwhile, the parties are directed to maintain status quo as on today.”

Subsequently, the matters i.e. SLP (C) Nos. 21856-21862 of 2010 were listed before the Hon'ble Court on 15th February, 2016, when the Hon'ble Court was pleased to pass the following Order :-

“Learned counsel for the petitioner No.1 has circulated a letter seeking an adjournment on account of personal inconvenience.

Prayer is allowed.

List after four weeks on a non-miscellaneous day.”

Thereafter, Mr. Ananga Bhattacharyya, counsel for Respondent Nos. 4 & 5 in SLPs has on 3rd August, 2016 filed Contempt Petition for wilful and deliberate disobedience of Hon'ble Court's order dated 26th July, 2016 passed in SLP (C) Nos. 21856-21862 of 2010. The same have been registered as Contempt Petition (C) Nos. 809-813 of 2016 in SLP (C) Nos. 21856-21860 of 2010 and was listed before Hon'ble Court on 06th January, 2017 when the Court was pleased to pass the following order:

“1. Heard learned counsel for the petitioners.

2. Having perused the averments made in the contempt petitions, we are satisfied, that the petitioners have misused the jurisdiction of this Court.

3. The instant contempt petition are accordingly dismissed with cost, which is quantified as Rs.10,000/- . The petitioners are directed to deposit the aforesaid cost, with the Supreme court Advocates-on-Record Welfare Trust, within four weeks from today.

4. In case of non-deposit of cost by the petitioners, the Registry is directed to re-list the case for recovery of cost.”

It is submitted to the Hon'ble Court that No proof of deposit of Cost of Rs.10,000/- to Supreme court Advocates-on-Record Welfare fund Trust has been filed so far.

It is further submitted that Mr. D. Mahesh Babu, Advocate has on 13th July, 2016 filed an application for impleadment as party respondent which is defective as sufficient court fee is not paid on said application and copy of the application is not served on other side Advocates. Therefore, unregistered application is placed before the Hon'ble Court for its kind perusal.

It is further submitted that Ms. D. Bharathi Reddy, Advocate has on 17th March, 2016 filed an application for permission to file additional documents which is defective as copy of the application is not served on other side Advocates. Therefore, unregistered application is placed before the Hon'ble Court for its kind perusal.

Separate Service position is given below:-

SLP (C) No. 21856-21858 of 2010

There are total 27 respondents in the matter. Mr/ K. Shivraj Choudhuri, Advocate has filed vakalatnama on behalf of respondent 1(i). M/s Anjani Aiyagari, Advocate has filed vakalatnama and appearance on behalf of respondent nos.1(ii), 1(iii), 1(iv), 1(v), 1(vi). Ms. D.Bharathi Reddy, Advocate is representing Lrs of deceased Respondent No.2 i.e. 2(i), 2(iii), 2(iv), 2(v). Mr. R.V.Kameshwaran, Advocate is representing respondent nos. 2(ii), 3, 11 and 12 and has on 9th February, 2016 filed counter affidavit on behalf of Respondent Nos.11 and 12 and the same has been included in paper books. Mr. V.N. Raghupathy, Advocate has filed vakalatnama and appearance on behalf of respondent no. 4, M/s Lawyer's Knit & Co., Advocate has filed vakalatnama and appearance on behalf of respondent nos. 6 to 9 and Signed A.D. cards has been received from respondent nos. 15 and 17 to 19. Service is complete on respondent nos. 10, 13, 14 and 16 through publication. Mr. Ananga Bhattacharyya, Advocate has on 26th March, 2014 has filed counter affidavit on behalf of respondent Nos. 4 and

5. Respondent Nos. 20-22 are represented by Ms. Sudha Gupta, Advocate and respondent Nos. 23-27 are represented by Mr. Ejaz Maqbool, Advocate.

Service is complete.

SLP (C) No. 21859-21860 of 2010.

There are total 25 respondents in the matter. Respondent Nos. 1, 2 and 4 to 17 are common. Mr. R.V. Kameshwaran, Advocate has filed vakalatnama and appearance on behalf of respondent nos. 1(ii) and 2, 11 and 12 and also filed counter affidavit on behalf of Respondent Nos.11 and 12 and the same has already been included in SLP P-Books. Mr. V.N. Raghupathy, Advocate has filed vakalatnama and appearance on behalf of respondent no 4, Mrs.D.Bharathi Reddy, Advocate has filed vakalatnama on behalf of respondent no. 1(i), 1(iii) to 1(v), M/s Lawyer's Knit & Co., Advocate have filed vakalatnama on behalf of respondent nos. 6 to 9. Signed A.D. cards has been received from respondent nos. , 5, 13, 14 and 15 to 17, but no one has entered appearance on their behalf so far. Service is complete on Respondent Nos. 3 and 10 through publication. Respondent Nos. 18-21 are represented by Ms.Sudha Gupta, Advocate and Respondent Nos. 21-25 are represented by Mr. Ejaz Maqbool, Advocate.

Service is complete.

SLP (C) No. 21861-21862 of 2010

There are 14 respondents in the matter. T. Anamika, Advocate-on-Record, has been designated as Additional District and Session Judge vide Circular dated 6th August, 2016 and notice for alternative arrangement has been sent to the Respondent No. 1. A period of more than thirty days has already elapsed from the date of issue of the notice by registered post, but neither A. D. Card nor unserved registered cover has been received back from the Respondent No.1 so far. Signed A.D. cards has been received from respondent nos. 2 to 6, but no one has entered appearance on their behalf so far. Respondent Nos. 7-9 are

As

represented by Ms.Sudha Gupta, Advocate and Respondent Nos. 10-14 are represented by Mr. Ejaz Maqbool, Advocate

Service is not complete on Respondent No.1.

It is submitted to the Hon'ble Court that Mr. Irshad Hanif, Advocate has filed application for impleadment on behalf proposed party Respondent and the same is also placed below for kind perusal of Hon'ble Court.

It is further submitted that Mr. Irshad Hanif, Advocate has on 22nd October, 2016 filed an application to bring legal heir of deceased applicant which is barred by time by 155 days and counsel has also file an application for condonation of delay in filing the said applications. Both the applications have been registered as I. A. No.45-51 of 2016 and 52-58 of 2016 and the same are placed below for kind perusal of Hon'ble Court.

The aforesaid matter alongwith applications above mentioned is listed before the Hon'ble Court with this report.

Dated this, the 24th day of March, 2017.

ASSISTANT REGISTRAR

Copy to :

Dr. Kailash Chand
M/S. Lawyer S Knit & Co
Mr. K. Shivraj Choudhuri
Mr. V. N. Raghupathy
Mrs. Anjani Aiyagari
Mr. Mohd. Irshad Hanif
Mr. Ananga Bhattacharyya
Mrs. Sudha Gupta
Mrs. D. Bharathi Reddy
Mr. Ashok Mathur
M/S. K. Ramkumar &
Associates
Mr. Pranab Kumar Mullick
Mr. Ejaz Maqbool

ASSISTANT REGISTRAR