

ITEM NO.23

COURT NO.8

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.23795/2013

U.O.I. &amp; ANR.

Petitioner(s)

VERSUS

SURYU ROY &amp; ORS.

Respondent(s)

(Office report for directions to be listed before the HOn'ble Judge in chamber.)

Date : 23-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE  
[IN CHAMBERS]For Petitioner(s) Ms. Gunwant Dara, Adv.  
Mr. M.K. Maroria, Adv.Mr. Arjun, AOR  
Mr. Rohit Chandra, Adv.  
Mr. Akash Nandloi, Adv.For Respondent(s) Mr. Bharat Sangal, AOR  
Ms. Vidushi Garg, Adv.

Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Gopal Singh, AOR  
Mr. Kumar Milind, Adv.  
Mr. C. D. Singh, AOR  
Mr. Amit Pawan, AORUPON hearing the counsel the Court made the following  
O R D E R

Today the matter is listed for effecting service on several unserved respondents including legal representatives of some respondents who died.

Having perused the entire record of the case, I find that as many as 116 individuals filed a Writ Petition against the Union of India and some other official before the Patna High Court under Article 226 and 227 of the Constitution of India.

The Petition was essentially in the nature of a public interest litigation (PIL) seeking a relief of issuance of a Writ of Mandamus against the Union of India. To the effect that direction be issued for constitution of a Tribunal under the provisions of Inter-State Water Disputes Act, 1956. This Petition was allowed by the impugned order by the High Court whereby the Writ of Mandamus was issued against the Union of India.

It is against this order Union of India has filed this SLP before this Court. This Court has stayed the operation of the impugned order and has directed issuance of notice to all the Writ Petitioners (116 in number) who are respondents herein.

It is practically impossible for the petitioner herein to serve individually all the 116 Writ Petitioners. The matter is pending for effecting service either on the Writ Petitioners or their legal representatives.

In my opinion, in such a situation, the proper course would be to take recourse to the provisions of Order I Rule 8 sub-Rule (2) read with Order V Rule 20 of the Code of Civil Procedure, 1908 and effect service on all the Writ Petitioners (respondents) by way of publication in the local newspapers having circulation in Patna and Buxar, where the writ petitioners reside.

The petitioners are accordingly directed to effect service by way of publication in local newspapers having circulation in Buxar and Patna as provided in Order V Rule 20 (1A) read with Order I Rule 8(2) of the Code of Civil Procedure within three months from today. The publication of summons should be in Hindi language and also in a English and it should be published in Hindi local news papers and it be at the cost of the petitioners.

The office to prepare the notice mentioning therein a date of advertisement.

Necessary documents be filed showing compliance of the order after the publication is carried out.

(ASHA SUNDRIYAL)  
COURT MASTER

(CHANDER BALA)  
COURT MASTER