

SECTION IV B

Listed on 18.11.2015
IN THE SUPREME COURT OF INDIA Court No.
CIVIL APPELLATE JURISDICTION Item No.

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 20234-20235, 20236-20237, 20238-20239, 20240-20241, 20242-20243, 20244-20245, 20246-20247, 20248-20249 AND 20250-20251, 33542-33543 OF 2011, 10544-10547, 10737, 35890-35891 OF 2012, 11179-11180 OF 2012, 35540-35541, OF 2011

WITH PRAYER FOR INTERIM RELIEF
AND

INTERLOCUTORY APPLICATION NOS. 6-7 IN SLP(C) NOS. 20234-20235 OF 2011
(Applications for substitution of LR's. of deceased petitioner No. 1)

AND

INTERLOCUTORY APPLICATION NOS. 8-9 IN SLP(C) NOS. 20234-20235 OF 2011 AND 10-11 IN SLP(C) NOS. 20238-20239 OF 2011 AND 1-2 & 3-4 IN SLP(C) NOS. 35540-41, 35542-43 OF 2011
(Applications for condonation of delay in filing and refiling SLPs)

AND

INTERLOCUTORY APPLICATION NO. 10 IN SLP(C) NO. 20234-20235 OF 2011 AND I.A. NO. 4 IN SLP(C) NOS. 21240-21241 OF 2011, 20242-20243 OF 2011, I.A. NO. 4 IN SLP(C) NOS. 20244-20245 AND 20246-20247 OF 2011, I.A. NO. 8 IN SLP(C) NOS. 20248-20249 OF 2011, I.A. NO. 3 IN SLP(C) NOS. 20250-20251 OF 2011, I.A. NO. 6 IN SLP(C) NOS. 35540-35541 AND 35542-35543 OF 2011, I.A. NO. 4 IN SLP(C) NOS. 20236-20237 OF 2011 AND I.A. NO. 12 IN SLP(C) NO. 20238-20239 OF 2011
(Applications for exemption from filing certified copy of impugned order)

AND

INTERLOCUTORY APPLICATION NOS. 1-2 IN SLP(C) NOS. 20240-20241, 20242-20243, 20244-20245, 20246-20247 AND 20248-20249 OF 2011, I.A. NO. 1 IN SLP(C) NOS. 20250-20251 OF 2011, I.A. NOS. 1-2 IN SLP(C) NOS. 20236-20237 OF 2011
(Application for condonation of delay in filing SLPs)

AND

INTERLOCUTORY APPLICATION NOS. 3 IN SLP(C) NOS. 20240-20241, 20242-20243, 20244-20245 AND 20246-20247 OF 2011, I.A. NO. 7 IN SLP(C) NOS. 20248-20249 OF 2011, I.A. NO. 2 IN SLP(C) NOS. 20250-20251 OF 2011, I.A. NO. 5 IN SLP(C) NOS. 35540-35541 AND 35542-35543 OF 2011 AND I.A. NO. 4 IN SLP(C) NO. 20236-20237 OF 2011
(Applications for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NOS. 3-4 AND 5-6 IN SLP(C) NOS. 20248-20249 OF 2011

(Application for substitution of deceased petitioner No. 4 namely Chander and condonation of delay in filing substitution application)

AND

INTERLOCUTORY APPLICATION NO. 7 IN SLP(C) NOS. 35542-35543 OF 2011

(Applications for deletion of name of petitioner No. 1 from the Array of Parties)

AND

INTERLOCUTORY APPLICATION NO. 3 IN SLP(C) NO. 20236-20237 OF 2011

(Application for Impleadment as party petitioner)

AND

INTERLOCUTORY APPLICATION NOS. 6-7 AND 8-9 IN SLP(C) NOS. 20238-20239 OF 2011

(Applications for substitution of deceased petitioner No. 1 namely Prabhu and condonation of delay in filing substitution application)

Prabhu (D) Thr. Lrs. & Ors. Etc. ...Petitioner(s)

Versus

State of Haryana & Ors. Etc. ...Respondent(s)

OFFICE REPORT

SLP(C) NOS. 20234-20235, 20236-20237, 20238-20239, 20240-20241, 20242-20243, 20244-20245, 20246-20247, 20248-20249, 20250-20251 of 2011

The matters above mentioned were listed before the Hon'ble Court on 15.07.2011 when the Court was pleased to pass the following order :-

"Permission to file SLP granted in SLP(C) No...../ 2011 CC 10161-10162/2011 & SLP(C) No...../2011 CC NO. 11224-11225 of 2011.

Learned counsel for the petitioners submit that the High Court has wrongly dismissed their writ petitions on the basis of the decision in Shakuntala & Ors. Vs. State of Haryana & Ors. without examining the facts and without noticing that the facts of these cases are different than the facts of Shakuntala.

Issue notice returnable in six weeks on applications for condonation of delay and on the applications for substitution.

Issue notice on SLPs to show cause why the matters should not be remanded to the High Court for fresh consideration on merits, returnable in six weeks.

Status quo regarding possession if possession is not already taken."

Accordingly, show cause notice by Registered A.D. Post was issued on 19.08.2011 in all the matters.

Latest service position of each matters is as under :-

SLP(C) Nos.	Total RRs.	V/A	A/D Card received	Neither received	A.D.	Remarks
20234-20235	6	1, 2, 4, 5, 6	-	3		Incomplete
20236-20237	6	1, 2, 4, 6	5	3		Incomplete
20238-20239	6	1, 2, 4, 6	5	3		Incomplete
20240-20241	6	1, 2, 4, 6	5	3		Incomplete
20242-20243	6	1, 2, 4, 6	-	3, 5		Incomplete
20244-20245	6	1, 2, 4, 6		3, 5		Incomplete
20246-20247	6	1, 2, 4, 6		3, 5		Incomplete
20248-20249	6	1, 2, 4, 6	5	3		Incomplete
20250-20251	6	1, 2, 4, 6	5	3		Incomplete

It is submitted that there are total (common) six respondents in all the matters. Mr. Ravindra Bana, Advocate has filed vakalatnama/memo of appearance on behalf of Respondent Nos. 1, 2 & 4 and counter affidavit in all the matters. Counter affidavit have been included in the paper books. Ms. Sushma Suri, Advocate has filed vakalatnama/memo of appearance on behalf of Respondent No. 5(Union of India) in SLP(C) Nos. 20234-20235 of 2011 only but has not filed counter affidavit so far. Mr. D. N. Goburdhan, Advocate has filed vakalatnama/memo of appearance on behalf of Respondent No. 6 in all matters but has not filed counter affidavit so far.

It is further submitted that Mr. S. K. Sabharwal, Advocate has filed an application for impleadment as contesting petitioner with vakalatnama/memo of appearance on behalf of 11 applicants. The same is registered as I.A. No. 3. Copy of the same has been included in the paper books.

It is further submitted that Ms. Usha Nandini V., Advocate has filed Vakalatnama/ memo of Appearance on behalf of all the eleven applicants. Counsel name has been updated in the computer data in place of Mr. S. K. Sabharwal who is expired.

It is further submitted that Ms. V.D. Khanna, counsel for the petitioner has on 24.08.2015 filed an application for substitution to bring on record LRs of deceased petitioner namely Bhana (common) in both matters in SLP (C) No. 20236-37/2011 alongwith application for condonation of delay in filing substitution application and setting aside abatement, exemption from filing official translation of death certificate and Vakalatnama/ memo of Appearance on behalf of all the proposed LRs. Mrs. V.D Khanna, counsel for the petitioner has on 04.09.2015 filed an application for Directions. But both the applications are defective for the following reasons;

1. Application for exemption from filing Official Translation of Death certificate is unsigned.
2. Affidavit in support of the applications are incorrect.
3. High Court's particulars are wrong in all the applications.
4. Relationship with proposed LRs has not been mentioned.

Counsel for the petitioner has not cured the aforesaid defects so far despite this Registry's letter dated 09.09.2015. Unregistered defective applications are not being circulated to the Hon'ble Court.

SLP(C) NOS. 11179-80, 10544-47 AND 10737 OF 2012

The matters above mentioned were listed before the Hon'ble Court on 19.03.2012 when the Court was pleased to pass the following order :-

"S.L.P.(Civil) Nos. 11179-11180/2012 [CC 4440-4441/2012] Issue notice on the special leave petitions as well as on Interlocutory Application Nos. 1-4/2012, 5-6/2012 & 7-8/2012 and Interlocutory Application Nos. /2012 returnable in eight weeks.

S.L.P.(C) Nos. 10737/2012 [CC NO. 4586 of 2012] Issue notice on the special leave petition as well as on Interlocutory Application Nos. 1/2012 & 2/2012 and Interlocutory Application Nos. /2012 returnable in eight weeks.

S.L.P.(C) Nos. 10544-10547/2012 [CC NO. 4587-4590 of 2012]
Issue notice on the special leave petitions as well as on Interlocutory Application Nos. 1-4/2012 returnable in eight weeks."

SLP (C) No. 10737 of 2012

It is submitted that there are three respondents. Show cause notice was issued to all the respondents on 12.04.2012. Mr. Ravindra Bana, Advocate has filed Vakalatnama & Memo of Appearance & counter affidavit on behalf of respondent nos. 1 and 3. Counter affidavit has been included in the paper books.

It is further submitted that name of respondent no. 3 is mentioned in counter affidavit as Haryana State Industrial & Infrastructure Development Corporation Ltd. but the name of respondent no.3 is Haryana State Industrial Development Corporation Ltd. in the cause title of SLP. In this regard, he has given a letter dated 22.7.2014 stating therein that the Haryana State Industrial Development Corporation subsequent to resolution is now as Haryana State Industrial &

Infrastructure Development Corporation Ltd. Copy of the fresh Certificate of Incorporation consequent upon change of name is attached with the said letter. The same is included in the paper books. Neither A.D. Cards nor unserved cover containing notice has been received back from Respondent No. 2 so far.

Service of show cause notice is incomplete on R.No.2 i.e Land Acquisition Collector-Cum Sub-Divisional Officer, Gurgaon.

SLP(C) Nos. 10544-47 of 2012

It is submitted that there are three common respondents. Show cause notice was issued to all the Respondents on 12.04.2012. Mr. Ravindra Bana, Advocate has filed Vakalatnama & Memo of Appearance & counter affidavit on behalf of respondent nos. 1 & 3. Counter affidavit has been included in the paper books.

It is further submitted that name of respondent no. 3 is mentioned in counter affidavit as Haryana State Industrial & Infrastructure Development Corporation Ltd. but the name of respondent no.3 is Haryana State Industrial Development Corporation Ltd. in the cause title of SLP. In this regard, he has given a letter dated 22.7.2014 stating therein that the Haryana State Industrial Development Corporation subsequent to resolution is now as Haryana State Industrial & Infrastructure Development Corporation Ltd. Copy of the fresh Certificate of Incorporation consequent upon change of name is attached with the said letter. Neither A.D. Cards nor unserved cover containing notice has been received back from Respondent No. 2 so far.

Service of show cause notice is incomplete on Respondent No. 2 i.e Sub Divisional Officer-Cum Land Acquisition Collector, Gurgaon.

SLP(C) Nos. 11179-11180 of 2012

It is submitted that there are three common respondents. Show cause notice was issued to all the respondents on 16.05.2012. Mr. Ravindra Bana, Advocate has on 30.10.2012 filed Vakalatnama & Memo of Appearance and Counter Affidavit on behalf of respondent nos. 1 and 2. Neither A.D. Cards nor unserved cover containing notice has been received back from Respondent No. 3 i.e. Land Acquisition Collector Cum-Sub-Divisional Officer, Gurgaon. Counter affidavit has included in the paper books.

Service of show cause notice is not complete of respondent No. 3.

It is further submitted that Mr. Ravindra Bana, Advocate has on 22.04.2014 filed an application for impleadment & counter affidavit on behalf of H.S.D.C as party respondent No. 4. But the same is defective for the reason that he has not filed vakalatnama on behalf of HSDC, hence the same is not being circulated before the Hon'ble Court.

SLP(C) Nos. 35890-35891 of 2012

The matters above mentioned were listed before the Hon'ble Court on 19.11.2012 when the Court was pleased to pass the following order :-

“Delay condoned in filing application/s for bringing on record the legal representatives of deceased petitioner.

Substitution allowed.

Issue notice on the applications for condonation of delay in filing special leave petitions as well as on the special leave petitions, returnable in ten weeks.

In the meanwhile, petitioners as well as respondents shall maintain status quo in all respects concerning the subject land.

Connect with Special Leave Petition (Civil) Nos. 20234-35 of 2011.”

Accordingly, show cause notice to all the four respondents was issued on 09.01.2013. Mr. Kamal Mohan Gupta, Advocate has filed vakalatnama on behalf of Respondent Nos. 1 and 2 and has filed counter affidavit on behalf of Respondent No. 2. Mr. Ravindra Bana, Advocate has filed vakalatnama on behalf of Respondent No. 4. The name of respondent No. 4 has been amended vide Hon'ble Judge(In Chamber) order dated 26.03.2015 passed in I.A. NO. 5. Neither A.D. Cards nor unserved cover containing notice has been received back from Respondent No. 3 so far.

Service of show cause notice is incomplete on respondent No. 3.

SLP(C) NOS. 35542-35543 and 35540-35541 of 2011.

The matters above mentioned were listed before the Hon'ble Court on 05.12.2011 when the Court was pleased to pass the following order :-

“Issue notice on the applications for condonation of delay in filing and refiling as well as on the special leave petitions in terms of the order passed by this Court on July 15, 2011, in group matters, namely, Prabhu (D) Thr. L.Rs. And Ors. Vs. State of Haryana & Ors. [S.L.P. (Civil) Nos. 20234-20235 of 2011 etc. etc. (CC No. 10161-16162/2011 etc. etc)].

In the meanwhile, status quo regarding possession shall be maintained if the petitioners continue to be in actual physical possession of the subject properties.”

Accordingly, show cause notice by Registered A.D. Post was issued on 02.02.2012 and 07.02.2012 respectively.

It is submitted that there are total (Common) six respondents in both matters. Mr. Ravindra Bana, Advocate has filed vakalatnama/memo of appearance on behalf of Respondent Nos. 1, 2 and 4 and he has filed counter

affidavit on behalf of Respondent Nos. 1-2 in both matters. Counter affidavit has been included in the SLP paper books. Ms. Mukti Choudhary, Advocate has filed vakalatnama/memo of appearance on behalf of Respondent No. 6 in both matters but she has not filed counter affidavit so far. Respondent Nos. 3 and 5 have been served by Dasti/A.D. Post but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

The matters above mentioned were listed before the Hon'ble Court on 17.08.2015 when the Court was pleased to pass the following order :-

"List these Special Leave Petitions next week along with Special Leave Petition Nos.20236-20237, 20240-20241, 20242-20243, 20244-20245, 20246-20247, 20248-20249, 20250-20251 of 2011, 11179-11180 of 2012 and 10737 of 2012."

Accordingly, the instant matters have been tagged with SLP(C) Nos. 20234-20235 of 2011 and connected matters.

The matters above mentioned were lastly listed before the Hon'ble Court on 24.08.2015, when the Court was pleased to pass the following order :-

" Pleadings are complete.
List for hearing on a non-miscellaneous day."

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

Dated this the 17th day of November, 2015.

ASSISTANT REGISTRAR

Copy to: Mrs. V. D. Khana, Adv.
Mr. R. C. Kohli, Adv.
Mr. Ravindra Bana, Adv.
Ms. Perna Mehta, Adv.
Mr. Kamal Mohan Gupta, Adv.
Mr. D. N. Goburdhan, Adv.

ASSISTANT REGISTRAR

Rajesh/H