

SECTION IV B

Listed on 14.07.2015  
IN THE SUPREME COURT OF INDIA Court No.1  
CIVIL APPELLATE JURISDICTION Item No. 4

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 19540-41 OF 2011, 20964 OF 2012, 8293 OF 2012, 32932-32933 OF 2012, 37104-37106 OF 2012, 9855-57 OF 2013, 10889-10890 OF 2013, 5938-5939 OF 2014, 37086-92 OF 2012,34397-99 OF 2012 And 31765-31770 OF 2012

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS. 1 and 2 in SLP (C)NOS. 19540-41 OF 2011

(Application for condonation of delay in filing and refiling SLPs)

AND

INTERLOCUTORY APPLICATION NOS. 1-3 in SLP (C) NOS. 9855-57 OF 2013

(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NOS. 1-2 and 3-4 in SLP (C) NOS. 10889-10890 OF 2013

(Application for condonation of delay in filing and refiling SLP)

AND

INTERLOCUTORY APPLICATION NOS. 5-6, 7-8, 9-10 AND 11-12 in SLP (C) NOS. 10889-10890 OF 2013

(Applications for substitution, condonation of delay in filing Substitution application, setting aside abatement and exemption from filing official translation)

Union of India & Anr. ...Petitioner(s)

Versus

Basant Singh & Ors. ...Respondent(s)

OFFICE REPORT

SLP (C) Nos. 19540-41/2011

The matters above mentioned were listed before the Hon'ble Court on 11.07.2011, when the Court was pleased to pass the following order:-.

“Issue notice on condonation of delay and aslo on the petitions subject to the condition of the petitioners depositing 50% of the enchanced compensation with the Executing Court within two months from today for disbursement to the land owners.

In the event of such a deposit being

made, recovery of the balance 50% of the enhanced compensation shall remain stayed, until further orders."

It is submitted that counsel for the petitioner has deposited 50% enhanced compensation amount of Rs.7,98,388/- with the Executing Court. Show cause notice was issued on 26.06.2011. Mr. Shekhar Kumar, Advocate has filed Vakalatnama and Memo of Appearance on behalf of all the three respondents in SLP (C) No. 19540 of 2011 but has not filed counter affidavit so far. Sole respondent in SLP (C) No. 19541 of 2011 has been served through Trial Court and no one has entered appearance on his behalf so far.

Service of show cause notice is complete.

SLP (C) No. 8293/2012

The matter above mentioned was listed before the Hon'ble Court on 27.02.2012, when the Court was pleased to pass the following order :-

"Delay condoned.

Issue notice.

We further direct that the enquiry report in terms of the impugned order for fixing the responsibility on the officers for their neglect in removing the office objections, shall be filed in this Court.

Tag with SLP (C) No. 19540-19541 of 2011."

It is submitted that there are two respondents. Service of show cause notice is complete on both the respondents. Respondent No. 1 is represented through Mr. Y.P. Dhingra, Advocate and he has filed counter affidavit and the same has already included in the paper books. In respect of respondent no. 2 he has not entered his appearance so far.

SLP (C) No. 20964/2012

The matter above mentioned was listed before the Hon'ble Court on 06.07.2012, when the Court was pleased to pass the following order :-

" Issue notice on the application for condonation of delay as well as on the special leave petition subject to the condition of the petitioners depositing 50% of the enhanced compensation with the Executing Court within two months from today for disbursement to the land owners.

On depositing of such amount, recovery of the remaining amount shall remain stayed.

Tag with Special Leave Petition (Civil) Nos.19540-19541 of 2011 (arising out of C.C. Nos. 10754-10755 of 2011)."

Accordingly, show cause notice was issued to all the 29 respondents on 18.09.2012.

Service position in respect of each respondent is as under :-

SLP No.	Total RRs.	AD Cards Reced.	Thr. Trial Court	Deceased Respondents	V/A	C/A	Remarks
20964	29	1,3-10, 13-17, 19-28	2,29	11,12,18	-	-	Common application for substitution is not in order.

It is submitted that counsel for the petitioner has on 12.2.2014 filed common application for substitution of Lrs. of deceased respondent nos.11, 12 & 18. As mentioned in the application for substitution and as appears from the certified copy of memo of parties before the High Court, Lrs. of respondent No.18 were already impleaded as respondent Nos. 19 to 28 before the High Court. But at the time of filing SLP, the counsel for the petitioner has not mentioned the names of LRs. of deceased respondent no. 18 and instead of filing an application for amendment of cause title of the SLP, counsel has filed an application for substitution of deceased respondent no. 18. In respect of deceased respondent nos. 11 and 12 application for

substitution is defective for the reason that date of death given on death certificate does not tally with the date given in the application. The counsel for the petitioner has not cured the defect despite this Registry's letter dated 02.06.2014 and also not taken out notice of motion to serve on proposed LRs. of deceased respondent Nos. 11 & 12.

Service of show cause notice is not complete.

SLP (C) Nos. 32932-32933/2012

The matter above mentioned was listed before the Hon'ble Court on 03.08.2012, when the Court was pleased to pass the following order :-

"Delay condoned.  
Issue notice.  
Connect with Special Leave Petition  
(Civil) No. 8293 of 2012."

Accordingly, show cause notice was issued to all the respondents on 26.02.2013.

It is submitted that counsel for the petitioner has filed an application for condonation of delay to bring on record LRs. of deceased respondent Nos. 2 to 7 in SLP (C) No. 32932/2012 but he has not filed substitution application. Letter has been sent to Advocate on 5.12.2014 but he has not filed the same so far.

It is further submitted that counsel for the petitioner has again on 10.03.2015 filed application for condonation of delay in filing substitution application for respondent no. 2 to 7 in SLP (C) No. 32932 of 2012 instead of filing the application for substitution.

It is further submitted that Counsel for the petitioner has not filed application to bring on record LRs. of deceased respondent No. 3 in SLP (C) Nos. 32933/2012 so far.

Service of show cause notice is not complete on respondent Nos. 2 to 7 in SLP (C) No. 32932/2012 and

respondent No. 3 in SLP (C) No. 32933/2012.

SLP (C) Nos. 37104-37106/2012

The matter above mentioned was listed before the Hon'ble Court on 26.11.2012, when the Court was pleased to pass the following order :-

" Issue notice on condonation of delay and aslo on the Special Leave Petitions.

Subject to the condition of the petitioners depositing 50% of the enchanced compensation with the Executing Court within two months from today for disbursement to the land owners, the enforcement of award of enchanced compensation shall remain stayed until further orders.

Tag with S.L.P. (C) Nos. 19540-19541 of 2011 – Union of India and others vs. Basant Singh and Others."

Accordingly, show cause notice was issued to all the respondents on 17.05.2013.

The matter above mentioned was listed before the Hon'ble Court (In Chamber) on 13.04.2015, when the Court was pleased to pass the following order :-

"I.A. Nos.7-8 and 9-10 of 2015:-

By these applications, the legal representatives of deceased Respondent viz. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 are sought to be brought on record. There is delay of 1758 and 3115 days respectively in preferring the applications.

I.A. Nos.11-12 of 2015:- "

By these applications, setting aside the abatement on account of death of Mr. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 is prayed for.

Let notice be issued on these applications, returnable in six weeks."

Accordingly, show cause notice was issued to the proposed Lrs. of deceased repondent viz. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 and service report is still awaited.

Service position of the each matter is as under :

SLP No.	Total RRs.	AD Card/Dasti	V/A	Neither AD nor V/A	Remarks
37104/12	2	2	-	1(Dead)	Incomplete
37105/12	2(R.2 is common)	2	-	1(Dead)	Incomplete
37106/12	2(R.2 is common)	1-2(No one entered appearance)	-	-	Complete

SLP (C) No. 9855-57/2013

The matter above mentioned was listed before the Hon'ble Court on 25.02.2013, when the Court was pleased to pass the following order :-

" Issue notice on the applications for condonation of delay, as also on the special leave petitions.

Let the matter be heard along with S.L.P.(C) Nos.19540-19541 of 2011 (Union of India and Others v. Basant Singh and Others).

Subject to the condition of the petitioners depositing 50% of the enhanced compensation with the Executing Court, within two months from today for disbursement to the land owners, the enforcement of the award of enhanced compensation, shall remain stayed, until further orders."

Accordingly, show cause notice to all the respondents was issued through Regd. A.D. post on 26.04.2013.

It is submitted that service of show cause notice is complete on all the respondents through Trial Court pursuant to Ld. Registrar Court's order dated 01.07.2013 but there is no appearance on their behalf.

SLP (C) Nos. 10889-10890/2013

The matter above mentioned was listed before the Hon'ble Court on 04.03.2013, when the Court was pleased to pass the following order :-

"Issue notice on the applications for condonation of delay, as also on the special leave petitions.

Let the matter be heard along with S.L.P.(C) Nos.19540-19541 of 2011."

Accordingly, show cause notice to all the respondents was issued through Regd. A.D. post on 05.04.2013.

Service position is as under :-

SLP (C) No.	Total RRs.	Served Thr. Civil Judge	U/S	Remarks
10889/13	8	2-6 & 8	1(dead),7	Incomplete
10890/13	11	1-4, 6-11	5(dead)	Incomplete

It is submitted that counsel for the petitioner has filed an application for substitution in respect of Respondent No. 1 in SLP (C) No. 10889/2013 and respondent No. 5 in SLP (C) No. 10890/2013. Counsel has also filed application for condonation of delay in filing substitution, application for setting aside abatement and application for exemption from filing Official Translation. Same are Regd. as I.A. Nos. 5-6, 7-8, 9-10, 11-12. Notice of Motion for effecting the service on LRs. has been issued. Service is awaited.

Service of show cause notice is not complete on respondent no. 7 in SLP (C) No. 10889/2013.

SLP (C) NOS. 5938-5939/2014

The matter above mentioned was listed before the Hon'ble Court on 21.02.2014, when the Court was pleased to pass the following order :-

" Issue notice on the application for condonation of delay as well as on the Special Leave Petitions.

Tag with SLP (C) No. 8293 of 2012."

Accordingly show cause notice to both the respondents (common) in both the SLPs was issued through Regd. A.D. Post. A.D. Card duly signed has been received back Respondent No.2 but no one has entered appearance on his behalf so far. Neither AD Card nor unserved cover containing notice have been received back in respect of respondent nos. 1. Counsel for the petitioner has filed affidavit of dasti service stating therein that respondent no.1 not residing at given address. But Dasti show cause notice was never issued to counsel for the petitioner .

Service of show cause notice is incomplete on respondent no. 1.

SLP (C) No. 37086-92/2012

The matter above mentioned was listed before the Hon'ble Court on 26.11.2012, when the Court was pleased to pass the following order :-

“Issue notice on condonation of delay as well as Special Leave Petitions.

Subject to the condition of the petitioners depositing 50% of the enhanced compensation with the Executing Court within two months from today for disbursement to the land owners, the enforcement of award of enhanced compensation shall remain stayed until further orders.

Tag with S.L.P. (C) Nos. 19540-19541 of 2011 – Union of India and others vs. Basant Singh and Others.”

Accordingly, show cause notice was issued to all the respondents on 22.01.2013.

Service position of the each matter is as under:

SLP No.	(C)	Total Resp.	A.D. card or served through Trial Court	V/A	Neither A.D. card nor unserved	Remarks

37086/12	13	5,8-10 & 12-13	1-4	-	Incomplete (Respondent nos. 6-7 & 11 are dead)
37087/12	3 (RRs- 2 & 3 are common)	1-3	-	-	Complete
37088/12	3 (RRs 2-3 are common)	2-3	-	-	Incomplete (R-1 is dead)
37089/12	5 (R-2 & R-3 are common)	4-5	2-3	-	Incomplete (R-1 is Dead)
37090/12	6 (RRs 5-6 are common)	1-6	-	-	Complete
37091/12	7 RRs nos. 6-7 are common)	1,6-7	3-5	-	Incomplete (R-2 is Dead)
37092/12	5 (RRs 4-5 are common)	1, 3-5	-	-	Incomplete (R-2 is Dead.)

It is submitted that counsel for the petitioner has not filed any application for substitution in respect of any of the deceased respondents so far.

SLP (C) Nos.34397-99/2012

The matter above mentioned was listed before the Hon'ble Court on 05.11.2012, when the Court was pleased to pass the following order :-

“Delay condoned.

Issue notice.

Tag with S.L.P. (C) ... (C) No. 3641/2012 – Union of India and another vs. Ajit Singh and another and S.L.P. (C) Nos. 19540-19541 of 2011.”

Accordingly, show cause notice was issued to all the four respondents on 03.01.2013 and service of show cause notice is complete on all the four respondents through civil court but no one has entered appearance on their behalf so

far.

Service of show cause notice is complete.

SLP (C) Nos.31765-31770/2012

The matter above mentioned was listed before the Hon'ble Court on 08.10.2012, when the Court was pleased to pass the following order :-

“Issue notice on the applications for condonation of delay as well as on the special leave petition, returnable alongwith Special Leave Petition (Civil) No. 8293 of 2012.”

Accordingly, show cause notice was issued to all the respondents on 10.11.2012.

Service position of each member is as under:-

SLP NOS.	Total Resps.	A.D. Recd.	V/A	Neither A.D. nor U/S cover rec.	Remarks
31765	2	-	-	1-2	Incompelte
31766	4	-	-	1-4	Incompelte
31767	2	-	-	1-2	Incompelte
31768	6	-	-	1-6	Incompelte
31769	3	-	-	1-3	Incompelte
31770	7	-	-	1-7	Incompelte

The matter was listed before the Ld. Registrar on 01.07.2013, when the following inter-alia order was passed:-.

“SLP (C) No. 31765-770/2012

As per the status given in the tabular chart, in this group of petitions, service on the respondents is not complete. Notices be re issued through the concerned District Court besides usual modes. Necessary steps as per rules be taken.”

It is submitted that counsel for the petitioner has not taken any steps for service of unserved respondents so far.

Service of show cause notice is complete.

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

Dated this the 13th day of July, 2015.

Copy to: Mr. Anil Katiyar, Adv.  
Mr. Shekhar Kumar, Adv.

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

Com1/Mty