

CHAMBER MATTER

Listed on - 29.8.2016

Court NO. 8

Item - 29

SECTION XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos.1292-1294 of 2013

A. Mannazhagan ...Petitioner

versus

Vallivalam Desikar Polytechnic
Education Society
Nagapattinam & Ors. Etc.

...Respondents

OFFICE REPORT FOR DIRECTIONS

The matters above mentioned were listed before the Hon'ble Court on 9th January, 2013, when the Hon'ble Court was pleased to pass the following order:-

**"Delay condoned in Special Leave
Petition (Civil) No....CC 1773-1775 of
2013.**

Issue notice.

**In the meantime, status quo with
regard to the management of the
Society shall be maintained.**

**Tag with Special Leave Petition
(Civil) No.21015 of 2010."**

Thereafter application for appointment of petitioner/A.Manzhagan(Trustee)as an inteim Administrator of Villival(Interlocutory Applicatuion Nos. 7-9) matters above mentioned were listed before the Hon'ble Court on 3rd May, 2013, when the Hon'ble Court was pleased to pass the following order:-

**"List the I.A.s along with the
main matters.**

**Meanwhile, fresh steps be taken
to serve the unserved respondents.**

**List the petitions after service
is complete."**

Service position of respective Special Leave
Petition is as under:-

SPECIAL LEAVE PETITION (C) NO. 1292 OF 2013

It is submitted that there are three Respondents in Special Leave Petition and show cause notice was issued to all the three respondents. A.D. Card duly signed has been received from Respondent No. 2. Unserved envelope containing the said notice has been received back in respect of Respondent No.1. Neither A.D. Card nor unserved cover has been received back on behalf of Respondent No. 3. Service of show cause notice is incomplete in respect of Respondent Nos. 1 and 3.

SPECIAL LEAVE PETITION (C) NO. 1293 OF 2013

It is further submitted that there are three Respondents in the Special Leave Petition and notice was issued to all the respondents. Neither A. D. Card nor unserved covers have been received in respect of Respondent Nos. 1 to 3. Service of show cause notice is incomplete in respect of Respondent Nos. 1 to 3.

SPECIAL LEAVE PETITION (C) NO. 1294 OF 2013

It is further submitted that there are 42 Respondents in the instant Special Leave Petition. Mr. C. K. Sasi, Advocate has filed Vakalatnama in respect of Respondent Nos. 6 to 8, 10, 11, 15, 16, 20, 22 and 24, 37, 39, 41 and 42. He has also filed counter affidavit on their behalf. A.D. Cards duly signed have been received in respect of Respondent Nos. 1, 2, 19, 21, 25, 26, 27, 28, 29, 33 and 34. Unserved covers containing the above said notice have been received from Respondent Nos. 3, 4, 9, 13, 17, 23 and 32 with the remarks, letter/unclaimed. Neither A.D. Cards nor unserved covers have been received from Respondent Nos. 5, 12, 14, 18, 30, 31, 35, 36, 38 and 40. Service of show cause notice in respect of Respondent Nos.3, 4, 5, 9, 12 to 14, 17, 18, 23, 30 to 32, 35, 36, 38 and 40 is incomplete.

It is further submitted that Mr. Purvish Jitendra Malkan has filed application for deletion of Respondent No. 3 in SLP(C)No. 1292 of 2013, Respondent No. 1 in SLP(C)No. 1293 of 2013 and Respondent Nos. 4 to 42 in SLP(C)No. 1294 of 2013, which was listed before the Hon'ble Judge-in-Chamber on 2nd September, 2013, when His Lordship was pleased to pass the following order:-

"Let the interlocutory applications be listed alongwith the special leave petitions."

Thereafter the matters above mentioned were listed before the Ld. Registrar's Court on 17th September, 2015, when inter-alia the following order was passed:-

SLP(C) No.1292/2013

Fresh steps for the service of notice by usual mode to the unserved respondent Nos.1 & 3 shall be taken by the Ld.counsel for the petitioner within a period of three weeks. Dasti in addition is permitted to be served.

SLP(C) No.1293/2013

Fresh steps for the service of notice by usual mode to the unserved respondent Nos.1 & 2 shall be taken by the Ld.counsel for the petitioner within a period of three weeks. Dasti in addition is permitted to be served.

SLP(C) No.1294/2013

The served respondents shall be at liberty to file the counter affidavit within a period of four weeks, whereafter no further extension shall be given.

Four weeks time as last chance is given to the Ld.counsel for the petitioner to comply with the terms of the order dated 10.07.2015 of this Court.

Fresh steps for the service of notice by usual mode to the unserved respondents shall be taken by the Ld.counsel for the petitioner within a period of three weeks. Dasti in addition is permitted to be served.

List the matter again on 04.12.2015."

It is further submitted that the instant matters were listed before the Ld. Registrar's on 4th December, 2015, when the following order was passed:-

"SLP(C) No.1292 & 1293/2013

Four weeks time as last chance is given to the Ld.counsel for the petitioner to comply with the terms of the order dated 17.09.2015 of this Court. List the above matters again on 12.02.2016.

SLP(C) No.1294/2013

Ld.counsel for the petitioner has failed to take fresh steps in respect of the unserved respondents in spite of last chance granted. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders and list thereafter."

Thereafter, the matters were lastly listed before the Ld. Registrar's on 12th February, 2016, when the following order was passed:-

"SLP(C) No.1292-1293/2013

Ld.counsel for the petitioner has failed to comply the order dated 04.12.2015 of this Court despite opportunities given. Therefore, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter.

SLP(C) No.1294/2013

The matter has already been ordered to be listed before the Hon'ble Judge in Chambers. Hence, list accordingly."

It is lastly submitted that pursuant to above quoted orders, Counsel for the Petitioner has not complied with the terms of order dated 17th September, 2015 for taking fresh steps for effecting service of notice on unserved respondent Nos. 1 and 3 in SLP(C) No. 1292 of 2013, 1 to 3 in SLP(C) No. 1293 of 2013 and Respondent Nos.3, 4, 5, 9, 12 to 14, 17, 18, 23, 30 to 32, 35, 36, 38 and 40 in SLP(C) No. 1294 of 2013 in the Special Leave Petitions.

As per above quoted order, office report for directions in the matters above mentioned is listed before the Hon'ble Judge-in-Chambers for orders.

Dated this the 27th day of July, 2016.

ASSISTANT REGISTRAR

COPY TO:- Mr.Purvish Jitendra Malkan, Advocate.
Mr. Sureshan P., Advocate.
Mr. C. K. Sasi, Advocate.

ASSISTANT REGISTRAR

ac