

SECTION IV B

Listed on.07.07.2015

Court No.1

IN THE SUPREME COURT OF INDIA Item No.40
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 13369
AND 21039 OF 2011 And 22175 of 2012.

WITH PRAYER FOR INTERIM RELIEF

BALBIR SINGH & ORS. Etc.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

OFFICE REPORT

SLP (C) No. 13369/2011

The matter above mentioned was listed before the Hon'ble Court on 02.05.2011, when the Court was pleased to pass the following order :-

" Delay condoned.

One of the points which would require consideration is whether the State Government was justified in not releasing the land of the petitioners despite the fact that various other parcels of land situated in the vicinity were released from acquisition.

Learned counsel for the petitioners invited our attention to the averments contained at page No.12 of the writ petition filed before the High Court and the three site plans marked Annexures 9 to 11 to show that the land of the petitioners is surrounded by other plots which have already been released and submitted that the failure of the respondents to accord similar treatment to his clients has resulted in violation of their fundamental right to equality. Learned counsel further submitted that although the point of discrimination was very much argued before the High Court, the

same has not been considered by the Division Bench of the High Court.

Issue notice on the special leave petition as also on the petitioners' prayer for interim relief, returnable in 10 weeks. Dasti, in addition, is permitted.

In the meanwhile, the parties are directed to maintain status quo as it is obtaining today. This would necessarily mean that neither party shall change the present character of the property or alienate the same to any other person in any manner whatsoever.

A copy of this order be served upon the respondents along with the notice."

Accordingly, show cause notice by usual mode of service as well as Dasti was issued on 14.06.2011. Mr. Ravindra Bana, Advocate has filed Vakalatnama\Memo of Appearance and Counter Affidavit on behalf of Respondent Nos. 1 & 3. Counter Affidavit has been included in the paper books. Dr. Monika Gusain, Advocate has filed Vakalatnama and Memo of Appearance on behalf of Respondent No. 2 but he has not filed Counter Affidavit so far.

Service of show cause notice is complete.

SLP (C) No.21039/2011

The matter above mentioned was listed before the Hon'ble Court on 12.08.2011, when the Court was pleased to pass the following order :-

" Issue notice.
Tag with SLP (C) No.13369 of 2011
arising out of SLP (C) No.....CC
7403/2011."

Accordingly, show cause notice by Regd. A.D. Post was issued on 10.09.2011. Mr. Ravindra Bana, Advocate has filed Vakalatnama\Memo of Appearance and Counter

Affidavit on behalf of Respondent Nos. 1, 3 & 7. Mr. Ajay Pal Advocate has filed Vakalatnama and Memo of Appearance on behalf of Respondent Nos. 4 & 6 and has filed Counter Affidavit on behalf of Respondent No. 4 only. Mr. Kamal Mohan Gupta, Advocate has filed Vakalatnama\Memo of Appearance and Counter Affidavit on behalf of Respondent No.9. Counter Affidavits have been included in the paper books. Respondent No. 5 has been served by Regd. A.D. Post, but no one has entered appearance on his behalf so far. In respect of Respondent Nos. 2 & 8 notice have been served through Dr. Monika Gusain, Advocate in terms of Ld. Registrar's Order dated 14.01.2015, but she has not filed Vakalatnama and Memo of Appearance on their behalf so far.

Service of show cause notice is complete.

SLP (C) No.22175/2012

The matter above mentioned was listed before the Hon'ble Court on 16.07.2012, when the Court was pleased to pass the following order :-

" Delay condoned.
Issue notice returnable in eight weeks.
Tag with S.L.P. (C) No. 13369 of 2011- Balbir Singh and others vs. State of Haryana and others."

Accordingly, show cause notice was issued on 22.08.2012 to all the five respondents. Respondent Nos. 2 and 3 are represented through Mr. Kamal Mohan Gupta and Mr. Ravindra Bana, Advocates respectively and counter affidavits on their behalf have also been filed.

The matter above mentioned was lastly listed before the Hon'ble Judge in Chambers on 06.05.2015, when the Court was pleased to pass the following order :-

" Learned counsel accepts notice on behalf of respondent nos. 1 and 4.
Learned counsel for the

petitioner is directed to furnish the copy of the SLP to issue fresh show cause notice to unserved respondent no. 5, within four weeks."

It is submitted that counsel for the petitioner has not taken any steps for service of unserved respondent no. 5 in terms of above order. Counsel for the respondent who accepted show cause notice on behalf of respondent nos. 1 and 4 has also not filed Vakalatnama on their behalf so far.

Service of show cause notice is incomplete in respect of respondent nos. 1, 4 and 5 and the default of the counsel for non-compliance of the above order is already updated for Chamber Pool and to be listed before the Hon'ble Judge in Chambers.

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

Dated this the 30th day of June, 2015.

ASSISTANT REGISTRAR

Copy to :- Mr. Praneet Ranjan, Adv.
Mr. Ravindra Bana, Adv.

ASSISTANT REGISTRAR

YKS/Mty