

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

RECORD OF PROCEEDINGS

I.A. No.3 IN WRIT PETITION (CIVIL) NO(s). 660 OF 2005

STATE OF KARNATAKA

Petitioner(s)

VERSUS

SECRETARY, M/O WATER RESOURCES & ORS.

Respondent(s)

(For clarification/direction with office report)

Date: 22/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JSUTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Anil K Mishra, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Brijesh Kallappa, Adv.

Mr. B.S. Patil, Adv.

Mr. Mohan V Katarki, Adv.

For Respondent(s)

No. 4

Mr. D.M. Nargolkar, Adv.

No. 1

Mr. Mohan Parasaran, ASG

Mr. S Wasim A Qadri, Adv.

Mr. D.S. Mahra ,Adv

No. 2

Mr. Mohan Parasaran, ASG

Mr. S Wasim A Qadri, Adv.

Mr. V.K. Verma ,Adv

No. 3

Mr. T.N. Rao, Adv.(Vakalatnama awaited)

Ms. Pinky Anand, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

A petition has been filed on behalf of the Central

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Government for clarification of our orders dated 13th and 27th July, 2006 in relation to Bungalow No. 04 at Akbar Road. It appears that the Central Government had allotted the said Bungalow to Shri Justice Brijesh Kumar, Chairman, Krishna Water Disputes Tribunal vide letter No.4/79/2000-TS dated 11th July, 2006 issued by Assistant Director of Estates. Thereafter, the matter was placed before us and the said fact was intimated which has been noted in order dated 13th July, 2006. As the Bungalow was not lying vacant, we adjourned the matter for two weeks for taking all possible measures to make the same available without any delay. Thereafter, Smt. (Dr.) Najma Heptullah, the learned Member of Parliament who was in occupation of the said Bungalow filed a petition for fixing a time for vacation of the Bungalow stating therein that she was allotted Bungalow No. 16, Teen Murti Lane, New Delhi which was in occupation of Shri Jaswant Singh, leader of opposition in Rajya Sabha on whose behalf a prayer was

made that he would vacate the Bungalow between 20th and 25th August, 2006.
It

was stated that thereafter 10 to 15 days' time would be taken in renovation, as such

Smt. (Dr.) Najma Heptullah would vacate Bungalow No. 04 at Akbar Road by 10th

September, 2006.

In the clarification petition, it has been stated that in the
meantime a

letter has been received from the Registrar General of this Court making a request

therein, if possible, to allot Bungalow No. 04, Akbar Road, to Supreme Court pool

and exchange the same with any of the three Bungalows, namely, 1, K. Kamraj

Lane, 4, K. Kamraj Lane and 11, Thyagaraja Marg. Yesterday, when the matter

was placed, we asked learned Additional Solicitor General to obtain instruction

from the Registrar General as to

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whether any of the three Bungalows referred to above, which are at present in the

Supreme Court pool, is lying vacant or not and when the vacant possession thereof

would be given to the Central Government. Learned Additional Solicitor General

upon instruction from the Registrar General made statement that out of
the

aforsaid three Bungalows referred to above, Bungalow No. 11 Thyagaraja Marg,

is lying vacant and he further stated that the possession of Bungalow
No. 11,

Thyagaraja Marg shall be made over to the Central Government when vacant

possession of Bungalow No. 04 at Akbar Road is made over to the Supreme Court

Registry. In view of these facts, the Central Government has made a prayer for exchanging the Bungalow No. 04 at Akbar Road allotted to Shri Justice Brijesh

Kumar with Bungalow No. 11, Thyagaraja Marg.

In the facts and circumstances of the case, we permit the Central

Government to exchange Bungalow No. 04 at Akbar Road with Bungalow No. 11,

Thyagaraja Marg and allot the same to Shri Justice Brijesh Kumar. It shall place

Bungalow No. 04 at Akbar Road in the pool of Supreme Court. It has been stated

that the said exercise shall be made within three days from today.

As the said Bungalow No. 11, Thyagaraja Marg is lying vacant and the

Tribunal was constituted long back and lot of difficulties are being felt by Shri

Justice Brijesh Kumar, Chairman of the Krishna Water Disputes Tribunal and

renovation of the house takes lot of time, may be few months, we feel that the

renovation work should start immediately. We hope and trust that the Supreme

Court of India would permit the different departments of Government of India to

carry out renovation work immediately though

..4/-

the Bungalow shall continue to remain in possession of the Supreme Court till

vacant possession of Bungalow No. 04 at Akbar Road is made over to its Registry.

After allotment is made, articles of C.P.W.D., if any, lying in Bungalow

No. 11, Thyagaraja Marg, shall be removed by CPWD, within three days from the

date allotment order is issued. Thereafter, Shri Justice Brijesh Kumar may visit

the Bungalow and give instruction to CPWD for carrying out renovation work.

Needless to say that the renovation work of the Bungalow should be done in the like

manner as it is done in the case of a sitting supreme Court Judge. Keeping in mind

the volume of workload of the Tribunal, we direct, in case Chairman of the

Tribunal feels that accommodation in the Bungalow is not sufficient and one or two

more rooms with attached bathrooms are required, as desired by him, the same

shall be constructed by the Central Government. All concerned will see that the

renovation work is completed within a period of two months from today, if no

additional accommodation is required to be constructed, otherwise four months.

It is needless to say that the Registrar General would direct the Court

staff to take out articles relating to Supreme Court, if any, from the said Bungalow

immediately. It is made clear that vacant possession of Bungalow No. 11,

Thyagaraja Marg shall be given to Shri Justice Brijesh Kumar only when the

Supreme Court gets vacant possession of Bungalow No. 04 at Akbar Road.

I.A. No.3 is, accordingly, disposed of.

The order of allotment shall be sent to the Registry of this Court for

records of this case.

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Let copies of this order be sent to Hon'ble Shri Justice Brijesh Kumar and the Registrar General, Supreme Court.

[Charanjeet Kaur]

Court Master

[Om Prakash]

Court Master