

ITEM NO.1

COURT NO.6

SECTION IVA

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

IA 33-34 and 35-50/2012 in
Petition(s) for Special Leave to Appeal (Civil) No(s).25491-
25506/2011

J.B. SUHAIL & ANR. Petitioner(s)

VERSUS

GOVT. OF KARNATAKA & ORS. Respondent(s)

(for directions and applications for respondent nos. 7 and 9 seeking
vacating of interim directions of status quo dated 26.09.2011 and
office report)

Date: 22/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. P.P. Rao, Sr. Adv.
Mr. Abhay Kumar, Adv.

For Respondent(s) Mr. Dushyant Dave, Sr. Adv.
Mr. K.T. Anantharaman, Adv.
Mr. Ramesh Singh, Adv.
Mr. Vasudevan Raghavan, Adv.
Mr. R.V.S. Naik, Adv.
Mr. Gururaj Deshpande, Adv.

Ms. Kiran Suri ,Adv
Mr. S.J. Amith, Adv.

Mr. Shanthakumar Mahale, Adv.
Mr. Sandeep Patil, Adv.
Mr. Anitha Shenoy, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A Nos.33-34 of 2012 have been filed in the
registry on 19.01.2012 by the petitioners for issue of a
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direction to respondent nos. 7 and 9 to restore possession
of the land comprises survey no.101/6, Gottigere village and
to restrain respondent nos. 7 and 9 from carrying out any
work on the land in question.

We have hears Shri P.P.Rao, learned senior counsel
for the applicants and Shri Dushyant Dave, learned senior

counsel appearing for respondent nos. 7 and 9 and carefully perused the record.

While issuing notice in the special leave petitions on 26.09.2011, this Court had passed the following order:

"Issue notice in both cases.

Mr. Vasudevan Raghavan appears for Nandi Infrastructure Corridor Enterprises Ltd. and Nandi Economic Corridor Enterprises Ltd. Respondent No.4 (Nandi Infrastructure Corridor Enterprises Ltd) and Respondent No.5 (Nandi Economic Corridor Enterprises Ltd.) shall file an affidavit stating the purpose for which the land of the petitioners, that is, in Survey No.3 at Pillaganahalli Village and Survey No.101/6 at Gottigere Village are required. They shall also produce a sketch/map showing the alignment that is being held up on account of interim order with reference to Survey No.101/6 at Gottigere village.

Nandi Infrastructure Corridor Enterprises Ltd. and Nandi Economic Corridor Enterprises Ltd. can proceed with the work of Peripheral Road which is held up on account of non-availability of the stretch of land in Survey No.101/6 at Gottigere village by using that much of the land which is needed for laying of the road.

Subject to above, there is status quo in regard to the said lands."

In furtherance of the directions given by the Court,

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respondent nos. 7 and 9 filed affidavits some time in the month of December, 2011 enclosing therewith large number of documents including the outline development plan showing the peripheral road proposed to be constructed through the land of Gottigere village including survey no.101/6.

While, Shri P.P.Rao argued that respondent nos. 7 and 9 have, with the help of police, arbitrarily demolished the structures of the petitioners without giving them an opportunity to salvage their goods and materials, Shri Dave submitted that only those structures were demolished which were needed for implementation of the project relating to peripheral road, the construction of which was permitted by this Court. He also gave out that substantial portion of

the peripheral road has been completed. Shri Dave also stated that no further demolition will be done by his clients without obtaining permission from this Court.

We have considered the submissions of the learned counsel and are satisfied that there is no valid ground or justification for issue of a direction to respondent nos. 7 and 9 to return that portion of survey no. 101/6, village Gottigere which has already been utilised for construction of the peripheral road.

The question whether the petitioners-applicants would be entitled to the benefit of Rehabilitation Policy framed by the State Government will be considered and appropriately decided at the time of final adjudication of the special leave petitions.

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With the above observations, the applications are dismissed.

Shri Dushyant Dave, learned senior counsel appearing for respondent nos. 7 and 9 shall instruct his assisting counsel to supply a list of all the connected special leave petitions to the Registrar(Judicial) within three days, who shall then seek order from Hon'ble the Chief Justice for listing of all the special leave petitions before the one Bench.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master