

ITEM NO.1

COURT NO.5

SECTION PIL(W)

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

RECORD OF PROCEEDINGS

Writ Petition (Civil) No.342/2017

SHANTHA SINHA AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

(with appln.(s)for interim relief and office report)

Date : 19/05/2017 This petition was called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE NAVIN SINHA

(VACATION BENCH)

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Vipin Nair, Adv.
Mr. P.B. Suresh, Adv.
Mr. Udayaditya Banerjee, Adv.
Mr. S. Prasanna, Adv.
Ms. Samiksha Godiyal, Adv.
Mr. Abhay Pratap Singh, Adv.
Mr. Govind Manoharan, Adv.

For Respondent(s)

Mr. Mukul Rohatgi, AG
Ms. Pinky Anand, ASG
Mr. A.N.S. Nadkarni, ASG
Mr. Abhinav Mukherjee, Adv.
Mr. Ritesh Kumar, Adv.

Mr. Zoheb Hussain, Adv.
Ms. Ranjeeta Rohatgi, Adv.
Mr. Saurab Kirpal, Adv.
Ms. Kritika Sachdeva, Adv.
Mr. Anil Kumar Gulati, Adv.
Mrs. Anil Katiyar, Adv.
Dr. Arghya Sengupta, Adv.

Mr. Saurabh Ajay Gupta, Adv.

Mr. Nishant Bishnoi, Adv.

Mr. Deo Dutta, Adv.

Ms. Kiran Bhardwaj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard Mr. Shyam Divan, learned senior counsel for the petitioner assisted by Mr. Vipin Nair, Mr. P.B. Suresh, Mr. Udayaditya Banerjee and Mr. Mukul Rohatgi, and learned Attorney General assisted by Mr. Zoheb Hossain, Mr. Arghya Sengupta, Ritesh Kumar and Ms. Ranjeeta Rohatgi, learned counsel for the respondent-Union of India.

Learned Attorney General has raised preliminary objections for consideration of interim reliefs.

Firstly, that similar reliefs were claimed in another Writ Petition No.797 of 2016 which were not granted though pressed and that the petitioner therein subsequently filed interim application on 11.03.2017 but did not take steps to get the same listed before the Court for reasons best known to him. He further submits that the nature of interim reliefs sought, ought to be considered by the Constitution Bench as was the case while considering the application for modification filed by Union of India in W.P. (C) No.494/2012, vide order dated 15.10.2015. Additionally, he submits that the Division Bench on 09.05.2017 issued rule nisi and had observed that this writ petition be tagged along with W.P. (Civil) No. 494/2012, which is already slated to be heard before the Constitution Bench.

During the course of hearing our attention was invited to the fact that the application filed in other pending Writ Petition (C) No.797/2016, involve similar issues as will be considered in the present application

for interim relief. If that is so, in our considered opinion it is appropriate that all the applications involving overlapping issues are heard together analogously to avoid multiplicity of hearing on the same subject matter.

As a result, we defer the hearing of this matter with a direction to list I.A. No.4 and 5 in W.P. No.797/2016 and other applications in the companion writ petition(s) if any, for grant of interim relief. We accede to the request of the learned Attorney General to permit Union of India to file counter affidavit to oppose the grant of interim relief. That be filed within three weeks hence. Rejoinder affidavit, if any, be filed within one week thereafter.

By consent, we list this matter on 27th June, 2017 subject to the availability of the Bench, on which date all aspects would be considered appropriately.

Ashok Raj Singh
(Court Master)

(Mala Kumari Sharma)
(Court Master)