

SECTION IVB

Listed on.08.09.2016

Court No.R-2

IN THE SUPREME COURT OF INDIA Item No.5
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 1059 of
2011 AND 36770 OF 2014

WITH PRAYER FOR INTERIM RELIEF

Gram Panchayat of Vil. Udaipur ...Petitioner(s)

Versus

Union of India & Ors. Etc. ...Respondent(s)

OFFICE REPORT

SLP (C) No. 1059/2011

The matter above mentioned was listed before the Hon'ble Court (In Chambers) on 17.03.2016, when the Court was pleased to pass the following order :-

" Issue notice on the proposed LRs of deceased Respondent Nos. 4, 5, 6, 8, 9, 10, 12 & 13.

Dasti, in addition, is permitted.

List I.A. No.2/2016, I.A. No.3/2016 & I.A. No.4/2016 after service is complete."

Accordingly, show cause notice by usual mode of service as well as Dasti to all the proposed LRs of deceased respondents was issued on 06.04.2016.

The matter above mentioned along with connected matters was listed before the Ld. Registrar on 19.07.2016, when inter alia the following order was passed:-

"SLP(C) No. 1059/2011

Await the return of the service of notice already issued to the unserved respondents."

Latest service position of proposed LRs of deceased

Respondent Nos. 4, 5, 6, 8, 10, 12 & 13 is as follows;

Deceased Resp.	Proposed Lrs No.	A.D	Unservd cover	Neither A.D/ U/Cover	V/A	Remarks
4 & 5 (Proposed Lrs of decease R-4 & 5 are common)	4(i-ii), 5(i-ii)	4(i), 5(i)	4(ii), 5(ii) U/Cover with remarks 'Refused to accept'	-	-	Complete on 4(i) & 5(i) Service may be treated as complete on common LR nos. 4(ii) & 5(ii) as Unserved cover with remarks 'Refused to Accept' received
6	6(i-iii)	-	-	-	6(i) to 6(iii)	Complete
8 & 12 (Proposed LRs of Deceased R-8 & 12 are common)	8(i-v) 12(i-v)	-	-	-	8(i-v) 12(i-v)	Complete
9	9(i-iii)	9(i)	-	-	9(ii) & 9(iii)	Complete
10	10(i-iii)	-	-	-	10(i-ii i)	Complete
13	13(i-ii)	13(ii)	-	13(i)	-	Service not complete on 13(i)

It is also submitted that counsel for the petitioner has not filed affidavit with proof of dasti service so far.

Service of show cause notice is not complete on respondent No. 1 and 13(i). Service of show cause notice on common Lr nos. 4(ii) and 5(ii) may be treated as complete as unserved cover has been received back with remarks ' **Refused to Accept**'.

SLP(C) No. 36770/2014

The matter above mentioned alongwith connected matters was listed before the Ld. Registrar on 26.04.2016, when inter alia following order was passed:-.

"...SLP(C) Nos..... 36770/2014

Ld.counsel for the petitioner has failed to take appropriate steps in the respect of the unserved respondents in all matters despite opportunities given. Therefore, these matters shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders and list thereafter."

The matter above mentioned was listed before the Hon'ble Court (In Chambers) on 05.07.2016, when the Court was pleased to pass the following order :-

" Nobody appears.

Required steps for service of notice upon respondent nos. 4, 6 and 7 shall be taken within four weeks' time failing which the Court may on the next date of hearing order for dismissal of Special Leave Petition."

It is submitted that counsel for the petitioner has taken fresh steps and fresh show cause notice has been issued to unserved Respondent Nos. 4, 6 & 7 on 12.08.2016 through Registered A.D. Post. Counsel for the petitioner has filed a letter dated 28.07.2016 for dasti service and dasti notice has been issued to counsel for the petitioner on 12.08.2016.

It is further submitted that in the tracking report, remarks 'Item delivery attempted', 'Door Locked' have been given on 17.08.2016 in respect of all the 3 unserved Respondent Nos. 4, 6 and 7 and the item has been returned to New Delhi GPO on 22.08.2016 of all the 3 unserved respondents. But unserved covers containing notice have been received back so far. (Copy of tracking report is enclosed herewith).

It is further submitted that counsel for the petitioner has not filed affidavit with proof of dasti service in respect of Respondent Nos. 4, 6 & 7 so far.

It is further submitted that Mr. Devendra Singh, Advocate has filed vakalatnama on behalf of Respondent Nos. 1-3 but no counter affidavit has been filed. No one has entered appearance on behalf of Respondent No. 5 so far.

The matters above mentioned are listed before the Ld. Registrar's Court with this office report.

Dated this the 07th day September, 2016.

ASSISTANT REGISTRAR

Copy to :- Mr. Rajinder Mathur, Adv.
Mr. Anil Kr. Tandale, Adv.
Mr. Vineet Bhagat, Adv.
Mr. Devendra Singh, Adv.

ASSISTANT REGISTRAR

Com1/Mty