

ITEM NO.3 COURT NO.2 SECTION IVA

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

I.A. NOS.9-10 OF 2011 IN
Petition(s) for Special Leave to Appeal (Civil) No.5227-5228/2010

(From the judgement and order(s) dated 30/10/2009 in RP No.15/2008,
30/10/2009 in WA No.228/200 of The HIGH COURT OF M.P AT INDORE)

INDORE DEVELOPMENT AUTHORITY Petitioner(s)

VERSUS

BABU RAO AND ORS. Respondent(s)

(With appln(s) for seeking clarification of the interim order of
status quo dated 16.12.2010 and office report)

Date: 31/10/2011 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Abhishek Kumar, Adv.
Mr. Sanjay Kapur, AOR

For Respondent(s) Ms. Pragati Neekhara, AOR
Mr. Suryanarayana Singh, Adv.
Mr. Ajay Assudani, Adv.

Mr. Sushil Kumar Jain, AOR

Mr. Naveen Sharma, Adv.
Mr. B.S. Banthia, AOR

Mr. B.K. Satija, AOR

Mr. Rajiv Dhavan, Sr. Adv.
Mr. Puneet Jain, Adv.
Mr. Arun Arora, Adv.

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Mr. Sushil Kumar Jain, AOR

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

While considering the prayers made in I.A. Nos.9-10
of 2011, the controversy, which surfaced was with regard to
the user of the blocks of flats already constructed.
the said purpose, providing connectivity of basic amenities
is necessary. As far as electricity, water and sewer lines
are concerned, from the various site plans and photographs,

For

which have been filed on behalf of the respective parties and from the submissions made on their behalf, it appears that there could be no objection at the present with regard to providing connectivity as far as electricity is concerned, since there is an electric sub-station just across the 9 meter road from the blocks of flats, which have been constructed.

Furthermore, even water pipes appear to be in place. As far as providing electricity and water connection is concerned, the petitioner may go ahead and proceed with the installation of the same. The main controversy is, however, with regard to the connection of the sewer lines from the flats to the main sewer connection on the Ring Road through the plots in question. According to Mr. Mukul Rohatgi, learned senior counsel appearing for the petitioner, the proposed sewer lines of larger dimensions are proposed to be taken along a line where already a sewer line of smaller proportions exist, shown in blue on the site plan and has been annexed at page 81 of the I.A. paper book.

On the other hand, it has been suggested by Dr. Rajiv Dhawan, learned senior counsel appearing for the respondents, that the sewer lines could also be connected

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from the diametrically opposite side where there is large concentration of buildings, where there was bound to be an existing connection from the Ring Road to the respective areas.

Mr. Mukul Rohatgi is requested to look into the existence of both the sewer lines and, in case, there are existing sewer lines, as indicated by him, he may place the same by way of a site plan supported by an affidavit with leave to mention the matter for further directions. However, at the same time, we are also of the view that all the matters which are listed together should be heard out, so that a final decision can be taken with regard to the orders passed by the Division Bench of the High Court relating to the release of the excess land, which had not been utilized by the petitioner-Authority.

We are informed that in some of these cases the pleadings are not complete. Furthermore, all the respondents in the said petitions are also not before us today. In such circumstances, we grant further two weeks' time to the respondents in all the matters, to file their respective counter affidavits. Rejoinder, if any, may be filed within a week thereafter.

List all the tagged matters, together with this matter, on 23rd November, 2011, at 2.00 p.m.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar