

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(s). 583 OF 2003

SAFAI KARAMCHARI ANDOLAN AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., directions, modification of Court's Order, extension of time, PERMISSION TO FILE AFFIDAVIT and office report)

WITH

CONMT. PETN.(C) NO. 132/2012 IN W.P.(C) NO. 583/2003

(With office report)

Date: 24/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For the parties :

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Mr. Devendra Singh ,Adv

Mr. G. Prakash ,Adv

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Mr. K.J. John ,Adv

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Mr. K.K. Mani ,Adv

Mr. M.C. Dhingra ,Adv

Ms. Madhu Sikri ,Adv

M/S Manoj Swarup & Co., Advs.

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Mr. Parijat Sinha ,Adv

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Mr. Shibashish Misra ,Adv  
Mr. Ansar Ahmad Chaudhary ,Adv  
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Mr. Jayanth Muth Raj ,Adv  
Mr.T.V.George ,Adv  
Mr.Praveen Chaturvedi ,Adv

Mr. Anuvrat Sharma ,Adv

Mr. Ajay Pal ,Adv

Mr. R. Gopalakrishnan ,Adv

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

Heard learned counsel appearing for the parties.

According to the office report dated 22nd September, 2012, in pursuance of our earlier order, affidavit and additional affidavit have been filed by the States of Uttar Pradesh and Madhya Pradesh. A further status report has also been filed on behalf of the State of Bihar.

The Chief Secretary of the State of Uttarakhand and Secretary, Urban Development Department have also filed their respective affidavits in the contempt petition and they are today personally present in the Court.

According to the learned senior counsel for the petitioner, the said affidavits have been filed without any supervisory verification and they do not disclose the factual and correct position. Moreover, the two affidavits filed by the Chief Secretary and Secretary, Urban Development Department are simply replica of each other.

We grant two weeks' time from today to the petitioner to file counter affidavit thereto, pointing out the bona fide or incorrectness of the aforesaid affidavits.

The District Magistrate, Haridwar is also personally present in the Court. The explanation offered by learned counsel on behalf of the District Magistrate, Haridwar does not appear to be appropriate. We are not satisfied with the explanation.

However, we grant, by way of last opportunity, two weeks' further time from today to the District Magistrate, Haridwar to file a true, proper and detailed affidavit, also explaining his conduct as to why he filed incorrect affidavits earlier before this Court.

The status report filed by the State of Bihar will be considered on the next date of listing.

We have also taken note that despite this Court's order dated 3rd September, 2012, the Secretary, Health & Social Welfare Department of the State of Jammu and Kashmir is not present. Let the concerned Secretary be present before this Court on the next date of listing.

Rest all Secretaries are exempted from their personal appearance on the next date of listing.

We once again make it clear that all those who have not so far filed their affidavits/additional affidavits in pursuance of this Court's earlier order, file the same within two weeks' from today and, if those affidavits by the Secretaries filed on behalf of their respective states are found to be false or damaging sanctity of the highest Court of the land, contempt action shall be initiated against all such defaulting and erring Secretaries. We hope that such occasion would not arise.

Let the matters stand over for two weeks and be listed together on a miscellaneous day i.e. Friday, the 12th October, 2012 at the end of the Board.

Rejoinder, if any, be also filed in the meanwhile.

| (G. SUDHAKARA RAO) | | (SHARDA KAPOOR) |  
| COURT MASTER | | COURT MASTER |