

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NOS.341-349 OF 2015

Govt. Of India & Anr. Etc. Etc.

... Petitioners

versus

Kirti Mishra & Anr. Etc. Etc.

... Respondents

O R D E R

1. These are the transfer petitions seeking transfer of writ petitions from various High Courts.

2. From the High Court of Madras, Writ Petition No.27041 of 2014 titled as Madras Metro Auto Drivers Association & Anr. vs. Union of India & Ors. has been sought to be transferred. It is essential to state here that Mr. Venugopal, learned senior counsel along with Mr. vishnu Sharma, learned counsel have entered appearance on behalf of the party that had preferred the writ petition.

3. In view of the aforesaid, writ petition No.27041 of 2014 pending in the Madras High Court stands transferred to this Court. A copy of this petition be served on Mr. Subramoniam Prasad, learned counsel, who ordinarily represents the State of Tamil Nadu.

4. As far as Writ Petition No.5994 of 2014 (MV) titled as Kirti

Mishra, Advocate & Anr. vs. The Government of India & Ors. pending in the High Court of Delhi is concerned, the petitioners are represented by Ms. Kiran Suri, learned senior counsel. As she is aware of the transfer petition, there is no need to issue notice in the said case. It is directed that it should be transferred. The main contesting respondents are Union of India and Automotive Research Association of India (ARAI). As the Union of India is already represented, a copy of the petition be served on Mr. D.S. Mahra, learned counsel who ordinarily appears for the NCT of Delhi.

5. Writ petition No.203557 of 2014 (W) titled as Auto Drivers Welfare Association (Regd.) & Anr. vs. The Government of India & Ors. pending before the High Court of Karnataka also stands transferred. As Mr. C.A. Sundaram, learned senior counsel along with Mr. Vishnu Sharma, learned counsel, has entered appearance, no notice need be issued. A copy of the petition be served on Ms. Anitha Shenoy, learned counsel, who ordinarily appears for the State of Karnataka.

6. Writ Petition No.30138 of 2014 titled as Edla Sadanandamu vs. Union of India & Ors., Writ Petition No.26999 of 2014 titled as Greater Hyderabad Auto Drivers Union & Ors. vs. Union of India & Ors., Writ Petition No.29817 of 2014 titled as Venkata Triveni Prasad Ganapathiraju vs. Union of India & Ors. and Writ Petition No.30078 of 2014 titled as Penumatas Nageswara Rao vs. Union of India & Ors. pending before the High Court of Judicature at

Hyderabad (for the State of Telangana and the State of Andhra Pradesh) also stand transferred to this Court. As Mr. Vishnu Sharma has entered appearance in these matters, no further notice need be issued. A copy of the petition be handed over to Mr. G. Prabhakar, learned counsel who ordinarily appears for the States of Andhra Pradesh & Telangana

7. As far as Writ Petition No.276 of 2014 (P.I.L.) titled as Ahmedabad utoricksaw Drivers' Union vs. Government of India & two others pending before the High Court of Gujarat at Ahmedabad and Writ Petition No.16978 of 2014 titled as Smart Commuting Services Pvt. Ltd. & Anr. vs. Union of India & Ors. Pending before the High Court of Judicature at Patna are concerned, steps be taken to effect service.

8. As far as the service of notice to the ARAI of India, who is the main contesting party in all the transfer petitions is concerned, no notice need be issued as notice has already been issued in SLP (C) No.1864 of 2015 where the said party has been arrayed as Respondent No.5. Service is awaited on the said said respondent. Be it noted that in all the transfer petitions filed by the Union of India, ARAI is a contesting party and needless to say that it has to be heard in the matter. Therefore, the appearance in one of the petitions would suffice. Hence, we have stated hereinabove that there is no notice for issuance of notice.

9. The transfer petitions in respect of Writ Petition Nos.5994 of

2014 (MV), 30138 of 2014, 26999 of 2014, 27041 of 2014, 29817 of 2014, 203557 of 2014 and 39978 of 2014 stand allowed. These matters be listed as transferred cases.

10. Counter affidavit shall be filed by the Union of India within three weeks. It shall be mentioned in the notice to ARAI to file the counter affidavit within three weeks from the date of service of notice. The State counsel are at liberty to file their counter affidavits, if so advised within the said period. Rejoinder Affidavit, if any, by the petitioner be filed within two weeks therefrom. It is hereby made clear that the time stipulated hereinabove shall not be extended.

11. The transfer cases and the special leave petitions be listed on 22.04.2014.

.....,J.
(Dipak Misra)

.....,J.
(Prafulla C. Pant)

New Delhi;
March 10, 2015.

REVISED

ITEM NO.4+7

COURT NO.5

SECTION XVIA

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

Transfer Petition(s) (Civil) No(s) .341-349/2015

GOVT. OF INDIA AND ANR. ETC. ETC.

Petitioner(s)

VERSUS

KIRTI MISHRA AND ANR. ETC. ETC.

Respondent(s)

(With appln.(s) for ex-parte stay and office report)

WITH

SLP(C) No. 7369-7370/2015

(With Permission to file SLP and Office Report)

SLP(C) No. 1864/2015

(With appln.(s) for recalling the courts order and office report)

SLP(C) No..... CC No.3086/2015

(With Office Report)

SLP(C) No. 5645/2015

(Interim Relief and Office Report)

SLP(C) No. 5639/2015

(With Office Report)

SLP(C) No. 5642/2015

(With Office Report)

SLP(C) No.5638/2015

(With Office Report)

Date : 10/03/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Mukul Rhotagi, AG
Mr. Ajay Sharma, Adv.
Ms. Binu Tamta, Adv.
Ms. Madhavi Divan, Adv.
Mr. Nishesh Sharma, Adv.
Mr. D. S. Mahra, Adv.

Mr. P. Chidambram, Sr. Adv.
 Mr. H.N. Salve, Sr. Adv.
 Dr. A.M. Singhvi, Sr. Adv.
 Mr. Shriraj Dhruv, Adv.
 Ms. Neha Nagpal, Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. E. C. Agrawala, AOR
 Mr. Ankur Saigal, Adv.
 Mr. Abhinav Agrawal, Adv.

For Respondent(s) Mr. K.K. Venugopa, Sr. Adv.
 Mr. K.V. Viswanathan, Sr. Adv.
 Mr. C.A. Sundaram, Sr. Adv.
 Mr. Dushyant A. Dave, Sr. Adv.
 Mr. S. Mohapatra, Sr. Adv.
 Ms. Arunima Dwivedi, Adv.
 Mr. Rajinder Singh, Adv.
 Mr. Tripurari Ray, Adv.
 Ms. Rohini Musa, Adv.
 Mr. B.S. Billowria, Adv.
 Mr. Rajinder Singh, Adv.
 Mr. Soumyajit Pani, Adv.
 Mr. Vishnu Sharma, Adv.

Mr. Mohan Parasaran, Sr. Adv.
 Mr. Zoheb Hossain, Adv.
 Mr. Rauf Rahim, AOR

Ms. Kiran Suri, Sr. Adv.
 Mr. S.J. Amith, Adv.
 Dr. (Mrs.) Vipin Gupta, AOR

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

SLP (C)...../2015 CC No.4088-4089, SLP (C) No.1864/2015, SLP (C)...../2015 CC No.3086, SLP (C) No.5641, 5639, 5642 and 5638 OF 2015

List on 22.04.2015.

The learned counsel appearing for the parties are requested to file their propositions of law on the date of hearing so that it will be convenient to appreciate their contentions.

The interim order shall remain in force till the next date of hearing.

T.P. (C) Nos.341-349 of 2015

The transfer petitions in respect of Writ Petition Nos.5994 of

2014 (MV), 30138 of 2014, 26999 of 2014, 27041 of 2014, 29817 of 2014, 203557 of 2014 and 30078 of 2014 stand allowed in terms of the signed order. These matters be listed as transferred cases.

List on 22.04.2015.

List the transfer petitions in respect of Writ Petition No.276 of 2014 (P.I.L.) and Writ Petition No.16978 of 2014 on 22.04.2015.

(Gulshan Kumar Arora)
Court Master

(Tapan Kumar Chakraborty)
Court Master

(Signed order is placed on the file)

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