

LISTED ON:

14.09.2016

BEFORE COURT NO.8  
ITEM NO.: 46

SECTION – IX  
IN THE SUPREME COURT OF INDIA  
CIVIL APPEALATTE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 2031, 5809, 8328,  
16952, 16956, 16977 AND 16985 OF 2015  
WITH PRAYER FOR INTERIM RELIEF

BHARATBHAI CHHANABHAI ETC ETC ...PETITIONER  
-VERSUS-  
THE COLLECTOR SURAT & ORS. ETC ETC ...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 13<sup>th</sup> July 2015, when the Court was pleased to pass the following Order:

"SLP(C) NO. 16952 of 2015, 16956 of 2015,  
16977 of 2015 and 16985 of 2015:

Issue notice.

Dasti, in addition, is also permitted.

SLP(C) NO. 2031 of 2015 etc. etc. and SLP(C)  
No. 16952 of 2015 etc. etc.

Post after service and pleadings are complete."

The matters above mentioned except SLP (C) No. 2031 of 2015 were listed before the Ld. Registrar Court on 13<sup>th</sup> July, 2016 when the following order was passed:-

"SLP(C) No. 5809/2015

Respondent No.1 has already filed the counter affidavit.

The office report indicates that the Ld. Counsel for the respondent Nos. 2 to 4 have failed to file the counter affidavit within the period stipulated under the rules. Viewed, in that context, the matter shall be processed for listing before the Hon'ble Court, under the rules.

SLP(C) No. 8328/2015

Respondent No.3 has already filed the counter affidavit.

The office report indicates that the Ld. Counsel for the respondent Nos. 1, 2 and 4 have failed to file the counter affidavit within the period stipulated under the rules. Viewed, in that context, the matter shall be processed for listing before the Hon'ble Court, under the rules.

SLP(C) No. 16952/2015

Respondent Nos.1, 3 and 4 have already filed the counter affidavit.

Service of notice is complete on the respondent Nos. 5 and 6 but no one has entered appearance on their behalf. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules. In the meantime, Ld.Counsel for the respondent No.2 shall file the counter affidavit.

SLP(C) Nos. 16956, 16977 and 16985/2015

Respondent Nos.1, 3 and 4 have already filed the counter affidavit. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules. In the meantime, Ld. Counsel for the respondent No.2 shall file the counter affidavit."

SLP (C) 2031 OF 2015

The matters above-mentioned were listed before the Hon'ble Court on 22<sup>nd</sup> January 2015, when the Court was pleased to pass the following Order:

"Issue notice, returnable within four weeks.

There shall be stay of the operation, implementation and execution of order dated 03.08.1998 passed by the Collector, Surat and the impugned judgment and order.

Further, the interim order passed in the writ petitions in respect of the property involved in these proceedings shall also be maintained by the parties in the same terms during the pendency of this petition."

It is submitted that there are 29 respondents in the instant matter. Ms.

Hemantika Wahi, Advocate has entered appearance on behalf of respondent Nos. 1, 2 and 4 but she has filed counter affidavit on behalf of respondent no. 1 only. Mr. Munawwar Naseem, Advocate has filed vakalatnama/ appearance and counter affidavit on behalf of respondent No. 3. Both the Counter affidavits have been included in the paper-books. Respondent Nos. 5 to 29 have deleted from the array vide Hon'ble Judge-in-chambers Order dated 13/04/2015. Cause title has been amended accordingly.

It is further submitted that counsel for the petitioner has filed rejoinder affidavit with the permission of the Hon'ble Court and she has also filed additional document along-with applications for permission to file additional documents and exemption from filing Official Translation. Both the documents have been included in the paper-books.

Service of notice is complete.

### **SLP (C) 5809 OF 2015**

The matters above-mentioned were listed before the Hon'ble Court on 09<sup>th</sup> February 2015, when the Court was pleased to pass the following Order:

**"Permission to file the special leave petition is granted.**

**Issue notice on the special leave petition as also on the permission to file additional documents.**

**Names of performa respondent Nos. 5 to 15 are permitted to be deleted from the array of parties at the risk of the 2 petitioners.**

**Delay condoned in filing application for substitution of legal heirs of deceased petitioner No. 14. Application for substitution is allowed.**

**Tag with S.L.P. (C) No. 2031/2015.**

**In the meantime, the operation of the impugned order as also the execution of Collector's Order dated 03.08.1998 shall remain stayed.**

**Until further orders, the parties shall maintain status quo, with regard to the suit property involved in these proceedings."**

It is submitted that there are 15 respondents in the instant matter. Ms. Hemantika Wahi, Advocate has filed vakalatnama/appearance on behalf of respondent Nos. 1, 2 and 4 but she has filed counter affidavit on behalf of respondent no. 1 only.

The same has been included in the paper-books. Mr. Munawwar Naseem, Advocate has filed vakalatnama/ appearance on behalf of respondent No. 3 but he has not filed counter affidavit so far. Names of the Respondent Nos. 5 to 15 have deleted from the array vide Hon'ble Judge-in-chambers Order dated 09/02/2015. Cause title has been amended accordingly.

It is further submitted that counsel for the petitioner has filed additional documents along-with applications for permission to file additional documents and exemption from filing Official Translation. Both the documents have been included in the paper-books.

Service of notice is complete.

**SLP (C) 8328 OF 2015**

The matters above-mentioned were listed before the Hon'ble Court on 10<sup>th</sup> April, 2015, when the Court was pleased to pass the following Order:

**"Issue notice returnable within four weeks.  
To be heard alongwith SLP ( C) No. 2031 of 2015. "**

It is submitted that there are 4 respondents in the instant matter. M/s. Aura & Co., Advocates have filed vakalatnama and counter affidavit on behalf of respondent no. 3. The same has been included in the paperbooks. Ms. Hemantika Wahi, Advocate has filed vakalatnama/ appearance on behalf of respondent Nos. 1 , 2 and 4 , but counter affidavit has not filed so far.

It is further submitted that counsel for the petitioner has on 24-08-2016 filed rejoinder affidavit to the counter affidavit of respondent no. 3. and the same is being circulated to the Hon'ble Court.

Service of notice is complete.

**SLP (C)16952,16956,16977 AND 16985 OF 2015**

It is submitted that there are 6 respondents in SLP (C) No. 16952 of 2015 and four respondents in SLP (C) No. 16956, 16977 and 16985 of 2015. Respondent Nos. 1 to 4 are common in all the matters. Ms. Hemantika Wahi, Advocate has filed vakalatnama on behalf of respondent nos. 1,2 & 4 but she has filed counter affidavit on behalf of respondent nos. 1& 4 only in all the matters. All the counter-affidavits have been included in the paperbooks. Mr. Jatin Zaveri, Advocate has filed counter affidavit and vakalatnama/ appearance on behalf of respondent No. 3 in all the matters.

Counter affidavit is included in the paper-books. A.D. Cards duly signed has been received back from respondent Nos. 5 and 6 in SLP (C) No. 16952 of 2015 but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

The matters above-mentioned are listed before the Hon'ble Court with this report.

Dated this the 12<sup>th</sup> day of September, 2016.

ASSISTANT REGISTRAR

Copy to:

Mrs. Sumita Ray, Advocate  
Mr. Munawwar Naseem, Advocate  
Ms. Hemantika Wahi, Advocate  
M/s. Aura & Co., Advocates  
Mr. Jatin Zaveri, Advocate  
Mr. K.V. Shri Kumar, Advocate

ASSISTANT

REGISTRAR