

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 3

(Application for Impleadment)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 17697 OF 2016

WITH PRAYER FOR INTERIM RELIEF

ADARSH CO-OP. HOUSING SOCIETY LTD

....PETITIONER

-VERSUS-

UNION OF INDIA AND ORS ETC. ETC.

...RESPONDENTS

OFFICE REPORT

The matter above mentioned along-with main matter were listed before the Hon'ble Court on 22nd July, 2016 when the Court was pleased to pass the following Order :-

"Issue notice on application for permission to file special leave petitions in SLP(C)....CC No. 12844-12846/2016.

SLP(C).....CC No. 13807/2016 is taken on board.

Issue notice on application for permission to file special leave petition in SLP(C)....CC No. 13807/2016.

Issue notice in all other matters.

There shall be no interim order whatsoever in these matters except that the first respondent Union of India will take possession of the building in question within one week from today and the possession shall remain with the Union of India during the pendency of the special leave petitions. The Union of India will take such necessary steps to secure the building and the land on which the building stands and ensure that the building is not encroached upon by anybody whosoever.

Mr. Shekhar Naphade, learned counsel for the petitioner society submitted that the petitioner society's records are lying in the same building. The said assertion is not disputed by the Union of India. Having regard to the nature of the dispute, we also deem it appropriate to permit the petitioner to take the records pertaining to the society in the presence of one of the Registrar of the Bombay High Court to be nominated by the Registrar General and the Officers of the Government of India to be nominated by Station Commander, Mumbai. The records of the society will be

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handed over in the presence of Brigadiar Sinha, Chairman of the society and Mr. R.C. Thakur, Secretary of the society, after the completion of the inventory.

Such inventory and possession, in any case, shall be taken on or before 5th August, 2016 as agreed between the first respondent and the Registrar referred to above. We also make it clear that on behalf of the petitioner society, the above-mentioned two persons of the society are also permitted to be present at the time of taking out of the inventory as well as the possession of the building.

It is categorically stated before us that as of today the building is not inhabited by anyone of the allottees.

It is brought to our notice that admittedly some furniture is lying in the building in issue. The above-mentioned two persons representing the society will also remove the furniture after taking the inventory as indicated above and deal with it in accordance with law. "

Thereafter, the Application for impleadment in the matter above mentioned was mentioned before the Hon'ble Court on 10th August, 2016 when the Court was pleased to pass the following Order :-

"List this I.A. on 16.08.2016 before an appropriate Bench."

It is submitted for the information of the Hon'ble Court that Ms. Pinky Behera, Advocate has filed application for impleadment along-with application for direction. Application for impleadment is registered as I. A. No. 3. The applications are being circulated before the Hon'ble Court.

It is further submitted that notice is yet to be issued in the matter.

The application in the matter above mentioned is listed before the Hon'ble Court with this report.

Dated this the 13th day of August, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Kush Chaturvedi, Advocate
Mr. Ravindra Keshavrao Adsure, Advocate
Ms. Gurmeet Singh Makkar, Advocate

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ASSISTANT REGISTRAR