

SECTION:XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 28599, 28470, 28480, 28519, 28659, 28686, 28714, 28717 28718, 28724, 28725, 28726, 29379 AND 28386/2015

WITH
PRAYER FOR INTERIM RELIEF
AND

INTERLOCUTORY APPLICATION NO. 2
(Application for permission to file additional documents in SLP @
No. 28480/2015)

AND
INTERLOCUTORY APPLICATION NO. 2
(Application for permission to file additional documents in SLP @
No. 28726/2015)

SH.MARUF ELAHI ETC. ETC.

...PETITIONERS

Versus

THE STATE OF MEGHALAYA AND ORS. ETC. ETC.

...RESPONDENTS

REVISED OFFICE REPORT
SLP (C) NOS. 28599, 28659, 28686, 28714, 28717, 28718, 28724, 28725 AND 28726/2015

The matters above mentioned were listed before the Hon'ble Court on 06.10.2015, when the Court was pleased to pass the following order:-

*"Application(s) for deletion of name(s) of respondent(s) from the array of parties is rejected.
Issue notice.*

There shall be stay of demolition of any portion of petitioner(s) building in the meantime.

Further, we restrain the petitioner(s) from making any further construction in the meantime.

The petitioner(s) shall not plead equities at the time of hearing of the Special Leave Petitions."

SLP (C) NOS. 28386, 28519, 28470 AND 28480/2015

The matters above mentioned were listed before the Hon'ble Court on 06.10.2015, when the Court was pleased to pass the following order:-

"Application(s) for deletion of names of respondent(s) from the array of parties is rejected.

Issue notice.

There shall be stay of demolition of any portion of petitioner(s) building in the meantime.

Further, we restrain the petitioner(s) from making any further construction in the meantime.

The petitioner(s) shall not plead equities at the time of hearing of the Special Leave Petitions."

SLP (C) NO. 29379/2015

The matters above mentioned were listed before the Court of Ld. Registrar on 06.10.2015, when the Court was pleased to pass the following order:-

"Taken on board.

Notice.

No stay.

Tag with SLP(C)No.28386/2015 etc."

It is submitted that pursuant to aforesaid orders show cause notice to all the respondents in all the SLPs was issued by registered AD.

Service position of each matter is as under:-

S. No	SLP (C) No.	Number of Respondents	Served	Unserved	Remarks
1.	28599/2015	31	All R. Nos. 3,5 to 8, 11 & 12 represented through Advocates but counsel appearing for r. Nos. 5 to 8, 11 & 12 have not filed counter affidavit. No appearance for R.Nos. 1,2, 4, 9, 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
2.	28470/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but counsel appearing for R. Nos. 1 to 4, 11 & 12 have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.

3.	28480/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but counsel appearing for R. Nos. 1 to 4, 11 & 12 have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
4.	28519/2015	31	All R. Nos. 3,5 to 8, 11 & 12 represented through Advocates but counsel appearing for R. Nos. 5to 8, 11 & 12 have not filed counter affidavit No appearance for R.Nos. 1,2, 4, 9, 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
5.	28659/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
6.	28686/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
7.	28714/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented	—	Service is complete.

			through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.		
8.	28717/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
9.	28718/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but counsel appearing for R. Nos. 1 to 4, 11 & 12 have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
10.	28724/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
11.	28725/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R	—	Service is complete.

			Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.		
12 .	28726/2015	31	All R. Nos. 1 to 4, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 5 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
13 .	28379/2015	31	All R. Nos. 1 to 5, 11 & 12 represented through Advocates but they have not filed counter affidavit. No appearance for R Nos. 6 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.
14 .	28386/2015	31	All R. Nos. 1 to 4, 7, 11 & 12 represented through Advocates but counsel appearing for R. Nos. 1 to 4, 11 & 12 have not filed counter affidavit. No appearance for R Nos. 5, 6, 8 to 10 & 13 to 31 though served by usual mode/Dasti.	—	Service is complete.

It is further submitted that in SLP (C) No. 28480/2015 counsel for the petitioner has on 03.12.2015 filed additional documents alongwith an application for permission to file additional documents (registered as I.A. No. 2) and the same has been included in SLP Paper Books. He has also filed a letter seeking permission to replace page nos. J, 247 & 256 of SLP without obtaining leave of the Hon'ble Court/ without filing application for permission to replace the said pages. He has

also on 30.03.2016 filed and application for permission to bring on record additional facts & grounds on record without serving the same on other side. Despite this Registry's letters dated 10.12.2015 & 04.04.2016 he has not done the needful so far. However, the letter dated 02.12.2015 alongwith page Nos. J, 247 & 256 and unregistered application for permission to bring on record additional facts & grounds on record are being circulated herewith.

It is further submitted that in SLP (C) No. 28718/2015 counsel for the petitioner has on 02.12.2015 filed a letter with a request to replace page nos. J, K and 247 of SLP Paper Books with the leave of the Hon'ble Court and without filing an application for permission. However the said letter with enclosed pages are being circulated herewith.

It is further submitted that in SLP (C) No. 28724/2015 counsel for the petitioner has on 03.02.2016 filed additional documents alongwith an application for permission to file additional documents without serving the same on counsel appearing for Respondent Nos. 7, 11 & 12. Despite this Registry's letter dated 09.02.2016 he has not done the needful so far. However unregistered application is being circulated herewith.

It is further submitted that in SLP (C) No. 28726/2015 counsel for the petitioner has on 03.02.2016 filed additional documents alongwith an application for permission to file additional documents registered as I.A. No. 2 and the same has been placed with SLP Paper Books.

It is further submitted that I.A. no. 3 in SLP (C) No. 28726/2015 and I.A. No. 2 in SLP (C) No. 28714/2015 applications for modification of Court's Order dated 06.10.2015 were listed before Hon'ble Court on 12.07.2016, when the Court was pleased to pass the following order:-

"The High Court of Meghalaya at Shillong has in terms of the order impugned in this petition directed sealing and demolition of certain buildings found to be in violation of the relevant by-laws. In I.A No. 3 of 2016 filed on behalf of Mentok Ri Projects Pvt. Ltd, it is inter alia stated that while the said applicant had constructed six blocks of multi storied buildings marked A to F, the High Court has not based on the

available material found any violations having being committed in relation to blocks E and F. It is submitted that the sealing of blocks E and F is therefore unjustified and the buildings deserved to be de-sealed to enable the applicant to make gainful use of the same.

Having heard learned counsel for the applicant who has taken us through the records, we are of the view that instead of this Court examining whether Blocks E and F also suffer from

any violation as noticed in relation to other four blocks constructed by the applicant, it would be more appropriate if we permit the applicant to move the High Court for an appropriate direction in relation to the said two blocks. In case the High Court comes to the conclusion that no violation in relation to Blocks E and F have been reported, it shall be free to pass appropriate orders in accordance with law for de-sealing of the said blocks. I.A. No. 3 is with that observation disposed off.

I.A. No. 2 in SLP(C) No. 28714 of 2015:

I.A. No. 2 is filed by Nilesh Tibrewalla in which it is inter alia alleged that the applicant has stored certain furniture which is his stock in trade at the ground and second floor of the building constructed by him but sealed under the orders of the High Court. It is submitted that the stock so sealed along with building values around Rs. 30,00,000/- and is likely to be stolen/damaged on account of the continued sealing of the premises.

Mr. Naresh Kaushik, learned counsel for the applicant therefore, prays that if this Court is not inclined to direct de-sealing of the premises to permit the applicant to use the same, the least the Court ought to do is to allow the applicant to remove the stock stored in the said building.

Learned counsel for MUDA however submits that according to his instructions no commercial stock of furniture as alleged is stored in any part of the building and all that is lying inside the building is some construction material. He submits that even so, the MUDA will have no objection to de-sealing of the premises for removal of any such furniture stocks from the same by the applicant.

In the circumstances, therefore, and without going into the question whether any and, if so, what is the extent of stocks lying inside the building, we direct MUDA to de-seal the premises and permit the applicant to removal all the furniture stock lying inside the building. The inventory of the stocks removed by the applicant shall also be maintained by MUDA. The removal of the stocks shall be completed within one week from the date the building is de-sealed. The removal shall be carried out under the direct supervision

of an Officer nominated for the purpose who shall ensure that the building is re-sealed after the stocks are removed. We make it clear that this order is limited to the removal of the furnished stocks lying inside the sealed building and no part of any construction or other material stored inside in any part of the building shall be touched by the applicant.

I.A. No. 2 is accordingly allowed and disposed off."

It is lastly submitted that Mr. Rajiv Mehta, Advocate appearing for respondent No. 3 in SLP(C) Nos. 28599 & 28519/2015 and respondent Nos. 7 in SLP(C) Nos. 28386, 28480, 28718 & 28470/2015 has on 08.09.2016 filed separate counter affidavits with the leave of the Hon'ble Court and the same are being circulated herewith.

Service is complete in all the SLPs.

The matters alongwith application above-mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS THE 08th DAY OF SEPTEMBER, 2016.

ASSISTANT REGISTRAR

Copy to :

Mr. Jagjit Singh Chhabra, Adv.
Mr. Sumay Chowdhery, Adv.
Ms. Lalita Kaushik, Adv.
Mr. Abhijit Bhattacharjee, Adv.
Mr. Rishi Matoliya, Adv.
Ms. Madhumita Bhattacharjee, Adv.
Mr. Rajiv Mehta, Adv.

ASSISTANT REGISTRAR

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