

**PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 34428, 35860 & 35841
OF 2015, 506, 1247 AND 481 OF 2016**
WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NOS. 5 AND 6

(Applicaitons for exemption from filing official translation in SLP(C) No. 34428 of 2015)

AND

INTERLOCUTORY APPLICATION NO. 3

(Applicaitons for exemption from filing official translation in SLP(C) No. 35841 of 2015)

SURGIV VERMA AND ORS.

...PETITIONER(S)

VERSUS

STATE OF U.P. & ORS. ETC.

...RESPONDENT(S)

OFFICE REPORT

SLP(C) Nos. 34428, 35860 & 35841 OF 2015:

The matters above mentioned were listed before the Hon'ble Court on 05.01.2016, when the Court was pleased to pass the following order:

“Applications for exemption from filing certified copy of the impugned judgment and from filing official translation are allowed.

Issue notice.

Status quo with regard to possession, as on today, shall be maintained by the parties.”

SLP(C) No. 34428 OF 2015:

There are total 5 Respondents. Show Cause Notice was issued to Respondent Nos. 2 and 3 through Advocate and Show Cause Notice to Respondent Nos. 1, 4 and 5 was issued by registered A.D. Post on 16.01.2016. Mr. Bharat Sangal, Advocate is representing Respondent Nos. 2 and 3. He has filed Counter Affidavit on their behalf alongwith application for exemption from filing official translation (I.A.No. 5). Counsel for the Petitioner has on 14.07.2016 filed Rejoinder Affidavit alongwith application for exemption from filing official translation (I.A.No. 6) with the permission of the Hon'ble Court. Copies of the Counter Affidavit and Rejoinder Affidavit have been included in the paper books. Counsel for the Petitioner has on 20.10.2016 filed proof of copy of SLP on Mr. Vinay Garg, Advocate for the State of U.P. But there is no appearance on behalf of Respondent No. 1 so far.

Service is not complete on Respondent Nos. 1, 4 and 5 and Counsel for the Petitioner has not taken fresh steps so far in terms of Ld. Registrar Court order dated 26.08.2016.

It is further submitted that applications for directions and exemption from filing official translation (**I.A.Nos. 3 and 4**) filed by Counsel for the Petitioner were listed before the Hon'ble Court on 10.05.2016, when the Court was pleased to pass the following order:

“I.A. No.4 - Application for exemption from filing official translation is allowed.

I.A. No.3 has been filed seeking directions to the respondent Nos. 2 and 3 in the Special Leave Petition not to raise any construction in the land of the petitioners.

The aforesaid directions have been sought on the basis of the order dated 05.01.2016 passed by this Court at the time of issuance of notice in the Special Leave Petition. By the said order this Court had directed that status quo, as on 05.01.2016, with regard to the possession of the land be maintained.

Contending that status quo order has been violated and constructions have been raised, I.A. No.3 has been filed by the petitioners seeking the directions as noticed above.

The respondent Nos. 2 and 3 have filed a reply in I.A. No.3, wherein it is stated that possession of the land was taken on 16.08.2012 and mutation in the name of NTPC was done on 31.08.2012. The said facts, it is pointed out, are recorded in the order of the High Court which is under challenge in the Special Leave Petition. Furthermore, in paragraph IX of the reply filed by the respondent Nos. 2 and 3, it is stated that the work of setting up of Stage-II of the Tanda Thermal Power Plant had started on 03.11.2014 during the pendency of the Writ Petitions in the High Court.

In the light of the above facts, which have not been controverted, this Court would understand that the order of status quo dated 05.01.2016 passed by the Court cannot have the effect of preempting the respondents from carrying on the construction activity. Consequently, the prayer seeking the direction(s) as above is wholly untenable and is rejected. I.A. No. 3 is accordingly, dismissed.

List the special leave petition for final disposal on Tuesday in the month of November, 2016.”

SLP(C) No. 35860 OF 2015:

There are total 5 Respondents. Show Cause Notice was issued to Respondent Nos. 2 and 3 through Advocate and Show Cause Notice to Respondent Nos. 1, 4 and 5 was issued by registered A.D. Post on 16.01.2016. Mr. Bharat Sangal, Advocate is representing Respondent Nos. 2 and 3. He has filed Counter Affidavit on their behalf. Counsel for the Petitioner has on 26.08.2016 filed Rejoinder Affidavit alongwith application for exemption from filing official translation (I.A.No. 3) with the permission of the Hon'ble Court. Copies of the Counter Affidavit and Rejoinder

Affidavit have been included in the paper books. Counsel for the Petitioner has on 20.10.2016 filed proof of copy of SLP on Mr. Vinay Garg, Advocate for the State of U.P. But there is no appearance on behalf of Respondent No. 1 so far.

Service is not complete on Respondent Nos. 1, 4 and 5 and Counsel for the Petitioner has not taken fresh steps so far in terms of Ld. Registrar Court order dated 26.08.2016.

SLP(C) No. 35841 OF 2015:

There are total 5 Respondents. Show Cause Notice was issued to Respondent Nos. 2 and 3 through Advocate and Show Cause Notice to Respondent Nos. 1, 4 and 5 was issued by registered A.D. Post on 16.01.2016. Mr. Bharat Sangal, Advocate is representing Respondent Nos. 2 and 3. He has filed Counter Affidavit on their behalf. Counsel for the Petitioner has on 26.08.2016 filed Rejoinder Affidavit alongwith application for exemption from filing official translation (I.A.No. 3) with the permission of the Hon'ble Court. Copies of the Counter Affidavit and Rejoinder Affidavit have been included in the paper books. Counsel for the Petitioner has on 20.10.2016 filed proof of copy of SLP on Mr. Vinay Garg, Advocate for the State of U.P. But there is no appearance on behalf of Respondent No. 1 so far.

Service is not complete on Respondent Nos. 1, 4 and 5 and Counsel for the Petitioner has not taken fresh steps so far in terms of Ld. Registrar Court order dated 26.08.2016.

SLP(C) No. 506, 1247 AND 481 OF 2016:

The matter above mentioned were listed before the Hon'ble Court on 29.01.2016, when the Court was pleased to pass the following order:

“Heard the learned counsel for the petitioners and perused the relevant material.
Exemption from filing certified copy of the impugned judgment and O.T. is granted.
Issue notice.
Tag with Special Leave Petition (Civil) No.34428 of 2015.
Dasti, in addition, is permitted.
Liberty is also granted to serve notice on the standing counsel of the State of Uttar Pradesh.”

The matters above-mentioned were again listed alongwith connected matters before the Registrar Court on 26.08.2016, when the following order was passed:

“SLP(C) NO.506/2016

Respondent nos. 2 and 3 have already filed counter affidavit.
Respondent nos. 9,12,15,17,19,22,26,28 have refused to accept notice, as such service is deemed complete but none appears on their behalf.

Last opportunity of three weeks is granted for filing affidavit of dasti service of respondent nos. 5 to 8.

None appears for the remaining respondents despite due service.

SLP(C) NO.1247/2016

Respondent nos. 2 and 3 have already filed counter affidavit.

Respondent nos. 8,14,18,20,31,33,38 and 41 have refused to accepted notice, as such, their service is deemed complete but none has entered appearance.

None appears for the remaining respondents despite due service.

SLP(C) NO.481/2016

Respondent nos. 2 and 3 have already filed counter affidavit.

Respondent no.7 has refused to accepted notice, as such, service is deemed complete but none has entered appearance.

Ld. Counsel for the petitioner to take fresh steps to effect service on respondent no.5 within two weeks time.

Notice thereafter be issued.

None appears for the remaining respondents despite due service.

List again on 8.11.2016.”

SLP (C) No. 506/2016:

It is submitted that there are 30 Respondents in the instant matter.

It is further submitted that Mr. Bharat Sangal, Advocate has filed Counter Affidavit on behalf of Respondent Nos. 2 & 3.

It is further submitted that Counsel for the Petitioner has filed affidavit of dasti service stating therein that Respondent Nos. 1, 4, 13, 14, 16, 21, 23, 25, 29 and 30 accepted the notice and Respondent Nos. 9, 12, 15, 17, 19, 22, 26 and 28 have refused to accept the notice but he has not filed proof of dasti service in respect of Respondent Nos. 5 to 8.

It is submitted that A.D. Card duly signed received back in respect of respondent nos. 10, 11, 18, 20, 24, 27 but no appearance has been filed so far.

It is lastly submitted that the unserved cover have been received back in respect of Respondent Nos. 6 to 8 with the remarks that “recipients are not residing on the said address”.

Service of show cause notice may be treated as complete except Respondent Nos. 5 to 8.

SLP (C) No. 1247/2016:

It is submitted that there are 41 Respondents in the instant matter.

It is further submitted that Mr. Bharat Sangal, Advocate has filed Counter Affidavit on behalf of Respondent Nos. 2 & 3.

It is further submitted that Counsel for the Petitioner has filed affidavit of

dasti service stating therein that Respondent Nos. 1, 4, 5, 6, 7, 10, 13, 19, 23, 24, 27, 28, 29 and 36 have been served with notice and Respondent Nos. 8, 14, 18, 20, 31, 33, 38 and 41 have refused to accept the notice but no one has entered appearance on their behalf.

It is submitted that A.D. Card duly signed received back in respect of respondent nos. 9, 11, 12, 15, to 17, 21, 22, 25, 26, 30, 32, 34, 35, 37, 39, 40, but no appearance has been filed so far.

Service of show cause notice may be treated as complete.

SLP (C) No. 481/2016:

It is submitted that there are 13 Respondents in the instant matter.

It is further submitted that Mr. Bharat Sangal, Advocate has filed Counter Affidavit on behalf of Respondent Nos. 2 & 3.

It is further submitted that Counsel for the Petitioner has filed affidavit of dasti service stating therein that the Respondent Nos. 1, 4, 9, 11, 12 and 13 have been served with notice and Respondent No. 7 has refused to accept the notice. However, A.D. Cards duly signed has been received back from Respondent Nos. 6 & 7 but no one has entered appearance on their behalf so far. Neither A.D. Cards nor unserved cover containing has been received back from Respondent No. 5 so far.

It is submitted that A.D. Card duly signed received back in respect of respondent nos. 8 & 10 but no appearance has been filed so far.

Service of show cause notice may be treated as complete except Respondent No. 5.

In view of the above-said orders dated 10.05.2016, the matters are listed before the Hon'ble Court with this office report.

Dated this the 07th day of November , 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Farrukh Rasheed, Advocate.

Mr. Bharat Sangal, Advocate.

ASSISTANT REGISTRAR

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