

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

Petition(s) for Special Leave to Appeal (C).....CC No(s).
12844-12846/2016

(Arising out of impugned final judgment and order dated 29/04/2016 in WP No. 452/2012 29/04/2016 in WP No. 369/2011 29/04/2016 in WP No. 2407/2010 passed by the High Court Of Bombay)

LT. GEN. SHANTONU CHOUDHRY AND ORS. ETC. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. ETC. Respondent(s)

(with appln. (s) for permission to file SLP and interim relief and office report)

WITH

SLP(C) No. 18041/2016

(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

SLP(C) No. 17704/2016

(With (With (With appln.(s) for permission to file additional documents and appln.(s) for permission to file additional documents and appln.(s) for permission to file synopsis and list of dates and Interim Relief and Office Report)

SLP(C) No. 17697/2016

(With (With appln.(s) for permission to file additional documents and appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)

SLP(C) no....CC 13807/2016

(With appln(s) for permission to file special leave petition)

Date : 22/07/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)

SLP(C)..CC 12844-
12846/2016

Mr. Ravindra Keshavrao Adsure, Adv.

SLP(C) 18041,
17704,17697/2016

Mr. Shekhar Naphade, Sr. Adv.

Mr. Saket Mone, Adv.

Mr. Aman Varma, Adv.

Ms. Anshula Grover, Adv.

Ms. Smriti Churiwal, Adv.

Mr. Kush Chaturvedi, Adv.

SLP(C) ..CC13807/16 Mr. Rajesh Yadav, Adv.
Ms. Ruchira Arora, Adv.
Mr. Bankey Bihari, Adv.

For Respondent(s) Mr. Ranjit Kumar, SG
Mr. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Sunil J. Mathews, Adv.
Mr. Prabhoo Bajaj, Adv.
Mr. Akshay A, Adv.
Mr. Sanjay Kumar Pathak, Adv.
Mr. Gurmeet Singh Makker, Adv.
Mr. Shreekant N. Terdal, Adv.

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

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 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.

(DEEPAK MANSUKHANI)
COURT MASTER

(RAJINDER KAUR)
COURT MASTER