

ITEM NO.8

COURT NO.9

SECTION IX

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) No(s). 4574/2022

(Arising out of impugned final judgment and order dated 02-03-2022 in WP No. 3060/2002 passed by the High Court Of Judicature At Bombay)

VYARAVALI VILLAGE DEVELOPMENT ASSOCIATION & ORS. Petitioner(s)

VERSUS

ABRAHAM PATANI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.37216/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. E.C. Agrawala, Advocate
Mr. Sunil Murarka, Advocate
Ms. Madhavi Agrawal, Advocate
Ms. Prashi Tyagi, Advocate

Mr. E. C. Agrawala, AOR

For Respondent(s)

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

This is an unfortunate case wherein despite order having been passed by this Court on 05.12.2019 requesting the High Court to decide the main writ petition within three months, the matter has not even been taken up for final disposal. Several orders have been placed before us whereby the High Court has merely adjourned the matter from time to time and lastly on 02.03.2022 the following

order was passed:

"List the matter on 29.03.2022 for final disposal on the bottom of the Board."

It is stated at the Bar that the matter was not listed before the High Court on 29.03.2022.

A perusal of order dated 05.12.2019 passed by this Court makes it clear that considering the urgency involved in the matter pending before the Bombay High Court since 2002 and the dispute relating to formation of road in Mumbai city, request was made to the High Court to decide the main Writ Petition within three months. The order passed by the Bombay High Court dated 02.03.2022 as referred above clearly shows the utter disrespect to the request made by this Court, in particular the period of more than 2 years and 3 months has already been elapsed since the date of the order of this Court, but the High Court has not shown any urgency in the matter. At this stage the judgment of this Court in the case of Tirupati Balaji Developers Pvt. Ltd. And others Vs State of Bihar and Ors. (2004) 5 SCC 1 can be profitably referred to understand the relationship of the High Court and this Court.

Normally this Court is slow in interfering in such matters as the High Court is to take up and hear matters in usual course as per situations prevalent, but here is a case wherein despite the request of this Court, the Bombay High Court is not showing any urgency in the matter. A request from a higher court is expected to be honoured. However, from the above discussion it is clear that either the High Court has not noticed the order of this Court dated 05.12.2019 or completely ignored the same and proceed to give

adjournments in routine.

In view of the aforesaid, let notice be issued to the Registrar General of the Bombay High Court to explain as to why the matter was not listed or could not be taken up despite the request of this Court vide order dated 05.12.2019.

List on 19.04.2022.

(ARJUN BISHT)
(COURT MASTER (SH))

(PRADEEP KUMAR)
(BRANCH OFFICER)

(ASHWANI THAKUR)
AR-CUM-PS