

ITEM NO.50

COURT NO.3
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XV

Petition(s) for Special Leave to Appeal (C) No(s). 25968/2016
(Arising out of impugned final judgment and order dated 30/08/2016
in SBCWP No. 5086/2014 passed by the High Court Of Rajasthan At
Jaipur)

SUDESH YADAV

Petitioner(s)

VERSUS

M/S. GENESIS INFRATECH PVT. LTD. AND ORS. Respondent(s)
(with appln. (s) for exemption from filing O.T. and permission to
file additional documents and interim relief and office report)

Date : 05/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Rana Mukherjee, Sr. Adv.
Mr. Rajiv Dalal, Adv.
Mr. Aditya Singh, Adv.

For Respondent(s)

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

Learned counsel for the petitioner states, that the
impugned order dated 30.08.2016 was passed by the High Court
without serving the petitioner. It is submitted, that the
petitioner has been arrayed as respondent no.5 in the writ
petition, wherein the above order dated 30.08.2016 was passed.

In the above view of the matter, it is the contention of
the learned counsel for the petitioner, that the order passed on
the back of the petitioner is not sustainable in law. It is also
the submission of the learned counsel for the petitioner, that the
petitioner has moved an application under Article 226(3) of the
Constitution of India, seeking a recall of the order dated

30.08.2016. It is submitted, that the petitioner would be satisfied, if the instant petition is disposed of, with a direction to the High Court, to pass a final order on the said application, before the authorities carry out the demolition process, directed in the impugned order dated 30.08.2016.

Having given our thoughtful consideration to the submissions advanced at the hands of the learned counsel for the petitioner, we find no justification whatsoever to interfere with the impugned order, except that, in case the petitioner was not served when the order dated 30.08.2016 came to be passed, and in case the petitioner has moved such an application under Article 226(3) of the Constitution of India, as has been stated before us, the High Court shall take a decision on the said application, and dispose of the same without any further delay, and most definitely, on or before 09.09.2016, the date by which the compliance report has to be furnished to the High Court.

Demolition at the hands of the authorities, in furtherance of the impugned order dated 30.08.2016 shall remain stayed, in the meantime, till the above mentioned application is disposed of.

Disposed of in the above terms

(Sharda Kapoor)
Court Master

(Parveen Kumar)
AR-cum-PS

Copy of the order be given Out-Today