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SLP(C)No. 7218-7219 OF 2003
ITEM No.28

Court No. 7

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7218-7219/2003

(From the judgement and order dated 19/03/2003 in WP 3000/02
WP 3000/02,RP 24/03 of The HIGH COURT OF BOMBAY)

JUHU BEACH KHADYA P.V. COOP.SOCIETY LTD.

Petitioner (s)

VERSUS

VISHWANATH U. MADA & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)
With

SLP(C)No.17925/2003

Date : 28/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Petitioner (s)

Mr.Shanti Bhushan,Sr.Adv.
Mr. Sushil Kumar Jain,Adv.
Mr. A.P.Dhamija,Adv.
Mr.Puneet Jain,Adv.
Ms.Ruchi Kohli,Adv.
Mr. L.R.Singh,Adv.

For Respondent (s)

Mr.Atul Setalvad,Sr.Adv.
Mr. Shiraz,Adv.
Ms. Indu Malhotra,Adv.
Mr.Dhiraj Nair,Adv.
Mr. Pallav Shishodia,Adv.
Mr. D.N. Mishra,Adv.
Mr. Hemant Sharma,Adv.

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Mr. Mukul Rohtagi,ASG.
Mr. V.B. Joshi,Adv.
Mr.RaviKivi,Adv.
Mr. Krishan Kumar,Adv.
Mr. Sumit Gupta,Adv.
Mr.Ravinder K.Adsure,Adv.
Mr.Mukesh K.Giri,Adv.

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

Leave granted.

Appeals are disposed of.

[SUMAN WADHWA][MADHU SAXENA]
COURT MASTER COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2003
(Arising out of SLP(C)Nos.7218-19/2003)

Juhu Beach Khadya
P.V.Coop.Society Ltd.... Appellant

versus

Vishwanath U.Mada & Ors.... Respondents

WITH

CIVIL APPEAL NO.....OF 2003
(Arising out of SLP(C)No. 17925 of 2003)

O R D E R

Leave granted.

Writ petition was filed by certain persons by way of public interest litigation for the implementation of a scheme for redevelopment of Juhu Beach. A prayer in the scheme related to the relocation of various food stalls. An interim order was passed by the High Court on 19.3.2003 directing the Airport Authority of India to initiate action to relocate the licenced stalls located on the main Chowpatty area in accordance with the scheme within a

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period of one month. It was also directed that the process of relocation of stalls shall be completed within a period of four weeks. The appellants who claim to be licenced stall holders filed an application for review dated 19.3.2003. The application was rejected by the High Court. Being aggrieved, the special leave petition was filed and an order of status-quo was granted by this Court on 8.4.2003. On 21.4.2003 this Court after hearing the parties passed an interim order of status-quo limited to the dispossession of the licenced stall holders. The

main grievance of the appellant is that the order which was passed on 19.3.03 by the High Court affected them without giving them an opportunity of being heard. This will now be redressed as far as they are concerned since they have filed a counter affidavit to the PIL now pending before the High Court and they will have an opportunity of putting forth their point of view.

The appeal is disposed of by directing the High Court to dispose of the writ petition after hearing the

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parties. The order of the High Court is modified only as far as paragraph 6(1) is concerned and in so far as it pertains to the licenced stall holders as directed by this Court on 21.4.03. This interim order will needless to say, be subject to any final order which may be passed on the writ petition. All the appeals are disposed of in terms of this order.

.....J. (RUMA PAL)

.....J.

(P.VENKATARAMA REDDI)

New Delhi;

November 28, 2003.