

CASE NO.:
Transfer Petition (civil) 813 of 2007

PETITIONER:
Maruti Clean Coal & Power Ltd

RESPONDENT:
B.L. Wadhera and Ors.

DATE OF JUDGMENT: 29/01/2008

BENCH:
Dr. ARIJIT PASAYAT & P. SATHASIVAM

JUDGMENT:
JUDGMENT

O R D E R
With
S.L.P.(C) No.21632/2007 and Cont. Pet.(C) No.14/2008 in
T.P.(C) No.813/2007

Dr. ARIJIT PASAYAT, J.

Heard learned counsel for the parties.

Delay in filing counter affidavit is condoned. Amendment allowed.

In the transfer petition, prayer is made for transfer of certain Writ Petitions before the Chhatisgarh High Court, Writ Appeals and Suits filed before the Lower Court in the State of Chattisgarh. In S.L.P. (C) No.21632 of 2007, challenge is to the interim order dated 31.10.2007 passed in Writ Appeal No.267 of 2007.

Learned counsel for the petitioners in the Transfer Petition and the Special Leave Petition submitted that though the subject matter of controversy in all the aforesaid cases is broadly covered by a decision of this Court in T.N. Godavarman Thirumulpad Vs. Union of India and Ors. (2006 (5) SCC 28), the fresh rounds of litigation have been and/or are being started with the sole object of taking away the effect of the judgment in the said case. This is stoutly denied by learned counsel appearing for the respondents.

Considering the nature of the controversy, we feel that interest of justice would be best served if the Transfer Petition (along with I.A. Nos.2 and 3 in the Transfer Petition) and the Special Leave Petition are disposed of on the following terms:

1. All the Writ Petitions and Writ Appeals detailed in the Transfer Petition and the I.A. Nos.2 and 3 shall be heard and disposed of by the High Court by 15.05.2008.

2. The parties are directed to appear before the Bench presided over by Hon'ble the Chief Justice of the High Court, without further notice, on 11.02.2008 so that a firm date can be fixed for starting hearing of the Writ Petitions and the Writ Appeals. Though the Writ Petitions are normally heard by a single Judge in the High Court, in view of the fact that the Writ Appeals are to be heard by the Division Bench, all those Writ Petitions shall be tagged on and shall be heard by a Division Bench.

3. It is stated that certain Suits are pending before the Lower Courts. The Bench presided over by Hon'ble the Chief Justice of the High Court shall transfer all such Suits to the High Court, to be taken up along with the Writ Petitions and the Writ Appeals.

4. If cases concerning the nature of the dispute pending before the High Court are instituted hereinafter, the High Court shall take up them along with the Writ Petitions, Writ Appeals and Suits which have been directed to be heard, and in case of Suits, by directing transfer to the High Court if they are filed in Lower Courts.

5. It is open to the petitioners in the Special Leave Petition to move, if so advised, the Bench hearing the Writ Petitions, Writ Appeals and Suits for modification/vacation of the impugned order dated 31.10.2007 passed in Writ Appeal No.267 of 2007.

The Transfer Petition and the Special Leave Petition are disposed of accordingly.

Contempt Petition No.14 of 2008 is withdrawn in view of the orders passed above.

No orders on the application for impleadment.